

D<sup>r</sup>. Pinnock's  
Laws & Usages  
of the  
Church & the Clergy.

CURATES.  
LECTURERS.  
CHAPLAINS.  
&c. &c.



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# THE LAWS AND USAGES

OF THE

## Church and the Clergy.

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THE UNBENEFICED CLERK.

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VOL. a.

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'Ecclesiastical History,' 'The Reformation,' &c.*

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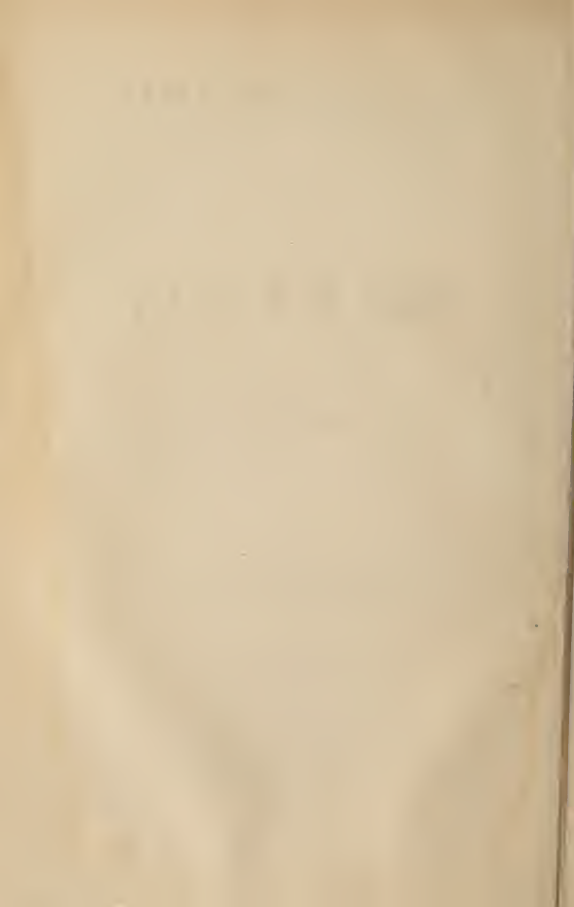
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## PREFACE

TO THE SECOND EDITION.

THE Author's object in this Publication is to present to his Clerical Brethren in the most accessible form, the instruction afforded by *actual experience*, as well as the information derived from *Ecclesiastical Law*, scattered through many large and expensive volumes, on the numerous matters so practically interesting to every Parochial Clergyman. He will repeat here, what he has already observed in one of the periodical issues of this work, that nothing in these pages will be found advanced in any *party spirit*, or with the view of inculcating any peculiar personal prepossessions; but that he has been actuated solely by a sincere desire of laying before the Reader, *fairly and impartially*, every available information, which may help to elucidate and explain the power and position of a Clergyman of the Church of England with respect to the execution of his Public Ministerial Duties. Where, however, the opinions quoted in elucidation of any questionable usage may appear to preponderate in favour of the adoption of that usage; he is bound to state, that this has resulted from no personal bias, but from the fact of there having been fewer opinions expressed in print upon the opposite side of the question.

It may by some, perhaps, be considered presumptuous on the part of the Author to enter upon so delicate and critical an inquiry as the great range of the subjects proposed must involve; he therefore trusts that he may not expose himself to the charge of egotism by stating, that were it not that he has had for some years to contend with many of the most difficult and trying positions of Parochial management, whence he gathered much experience,—were

it not also that he has been honoured with the acquaintance of many of the most learned and practical men, and some holding the highest positions in the Church, whose kind counsel and opinion were ever at his command; as well as been possessed of the privileged use of that great resource for authorities, the *Cambridge University Library*,—he would doubtlessly have never undertaken the laborious task of arranging for publication in the work now presented to the Public the rough materials which he had collected for his personal use. He may remark, that the *Statute Laws, Constitutions and Canons*, and the *Ecclesiastical authorities*, bearing upon the exercise of the Ministerial function, and the Management of a Parish; as well as upon the various and complicated questions of *Liturgical Uniformity*, will be presented in due course; and the changes and discrepancies introduced by *Custom* and now in practice, be also detailed in order, so as to afford, as nearly as may be, a complete 'Manual' of the LAWS and USAGES affecting the Church and the Clergy at the present day.

In conclusion, the Author cannot refrain from expressing the high gratification he has felt in the encouragement afforded him in the conduct of this work by so many members of the Episcopal Bench, among whom he may especially mention his kind friends, the Lord Bishop of Ely, his diocesan; the Lord Bishop of Llandaff; and the much to be lamented DR KAYE, the late Bishop of Lincoln. At the same time, he feels called upon to tender his warmest thanks to those Examining Chaplains, and other persons eminent in the Church, as well as at the Bar, who have been kind enough to favour him with many valuable suggestions.

*Somersham Rectory,*  
HUNTINGDONSHIRE.

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# Curacy with a Title,

&c. &c.

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## A CANDIDATE FOR HOLY ORDERS.

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### *Introductory Remarks.*

As a *Candidate for Holy Orders*, it is to be presumed that you have already considered, deeply and seriously, the nature and responsibilities of the most solemn and important office that can be undertaken by man. The preparation of the University course, and early intimation of family, and friends, that "*he is intended for the Church*," have too often a fatal tendency to deaden a man's sensibilities as to the magnitude of the work to which he aspires, and to disincline him for the careful and candid scrutiny of himself, whether his heart and spirit be suitable to such a charge as the Ministry of the Gospel of Christ. There are passages of God's Book that speak with fearful energy respecting the negligent and unfaithful bearers of this great Commission. I will quote but one—"If thou dost not speak to warn the wicked from his way, that wicked man shall die in his iniquity, *but his blood will I require at thine hand*;" (*Ezek. xxxiii. 8.*). There is also an enquiry that comes with awful emphasis from our *Ordination Service*, couched in these words;—

'Do you trust that you are inwardly moved by the Holy Ghost  
'to take upon you this Office and Ministration, to serve God  
'for the promoting of His glory, and the edifying of His  
'people?'—*Ordination Service. Book of Common Prayer.*

This calls for the answer of the inner man.

Now, although it was impossible for me in the commencement of a work having *Parochial Ministrations* for its object, to refrain from a few words regarding that frame of mind and spirit without which all else is of little worth; still, my business at this time is not with these great things, but with others of lower worth indeed, yet necessary and important. My purpose is rather to direct the outward course and practice of the Candidate for the Ministry, than to call forth and appeal to the inward principles by which he should be swayed. On no subject connected with the Church are more abundant or more impressive instructions and exhortations given by the best and holiest men, than on the spiritual qualifications of the Christian Priesthood. On those inferior topics, however, in which a man's dealings are not with his conscience, and his God, but with the usages of an Establishment, and the machinery of a Parish, information is scanty and dispersed. I seem, therefore, to be performing no needless task in collecting into one work the instruction, scattered through many, which is afforded by *actual experience*, and *Ecclesiastical Law*, on matters practically interesting to every Parochial Clergyman.

If then, in respect of the spirituality of the question, your conscience condemns you not, proceed, in humble and continual dependence upon Him, who alone can make you sufficient for these, and for all things; and "whatsoever thy hand findeth to do, "do it with thy might."

#### AGE.

YOU have arrived, it is supposed, at the age of *twenty-three*; since by the *Rubric* of the LITURGY, as well as by the CANON, and the STATUTE LAW, none are to be admitted into the Office of the Ministry who have not attained those years.

The *Rubric*, which forms part of the Preface of the Office for the 'Ordering of Deacons,' thus reads—

¶. 'None shall be admitted a DEACON, except he be 23 years of age, unless he have a Faculty. And every man which is to be admitted a PRIEST shall be full 24 years old. And every man which is to be ordained or consecrated BISHOP shall be full 30 years of age.'—(1662). Book of Com. Pr.

By the CANON (of 1603-4), it is required :—

'No Bishop shall henceforth admit any person into Sacred Orders...except he,...desiring to be a DEACON, is 23 years old; and to be a PRIEST, 24 years complete.'—CANON 34.

By the STATUTE LAW it is enjoined :—

'That no person shall hereafter be admitted to any Benefice with cure, except he then be of the age of 23 years at the least, and a DEACON.†—13 Eliz. c. 12. s. 3. (A. D. 1570.)

'None shall be made Minister,‡ or admitted to preach, or administer the Sacraments, being under the Age of four and twenty.'—ib. Sect. 5.

This is enforced, as well with respect to DEACONS, as to PRIESTS, by 44 Geo. III. c. 43. thus :—

'Be it enacted that...no person shall be admitted a DEACON before he shall have attained the Age of 23 years complete, and that no person shall be admitted a PRIEST before he shall have attained the Age of 24 years complete: and in case any person shall, from and after the passing of this Act, be admitted a DEACON &c. (or PRIEST &c. before he shall have attained these ages respectively), that then and in every such case the admission of every such person as DEACON or PRIEST respectively, shall be merely void in law, as if such admission had not been made, and the person so admitted shall be wholly incapable of having, holding, or enjoying, or being admitted to any Parsonage,

\* In the AMERICAN LITURGY the *Rubric* is :—

'None shall be admitted a DEACON, PRIEST, or BISHOP, except he be of the age which the Canon in that case provided may require.'—DR WAINWRIGHT'S *Ed.* New York, 1845.

† In these cases the law of the Church required that the Deacon should take the Order of Priesthood within one year after his Institution.—LYND. *de Inst.*

‡ 'The word *Minister*,' says DR. BURN, 'in our Statutes, Canons, and Rubric in the Book of Common Prayer, oftentimes is made to express the person Officiating in general, whether *Priest* or *Deacon*; at other times it denoteth the Priest alone, as contradistinguished from the Deacon, as particularly here in the Statute (13 Eliz.).'—*Eccl. L. Phil.* III. 44.

‘Vicarage, Benefice, or other Ecclesiastical promotion or dignity whatsoever, in virtue of such his admission as DEACON or PRIEST respectively, or of any qualification derived or supposed to be derived therefrom.’—44 *Geo.* III. c. 43. s. 1. (A. D. 1804.).

The CANONICAL AGE, at which a man was eligible for admission into Orders, was not always fixed at 23 years, as a reference to Ecclesiastical history will show.

DR NICHOLLS, (*ob.* 1712.) commenting on the Preface of the *Ordinal*, says—‘All the Orders of the Ministry have duties of so concerning an import incharged upon them that they are not to be entrusted but to persons of a supposed steadiness and resolution, which are hardly attainable before the Ages here specified. By antient CANONS something more age was required for the several offices of the Ministry. The *Council of Nicaea* (cap. xi.) A. D. 315. settles the Age of a PRESBYTER to be 30, and assigns the reason thereof to be because our Saviour began His preaching at that age.... And afterwards it was decreed by the *Council of Agde*, (A. D. 506.), that a DEACON should not be ordained till he were 25 years of age, and a PRIEST not till 30. “*Episcopus benedictionem Diaconatus minoribus quam viginti quatuor annorum penitus non committat.—Presbyterum vero vel Episcopum ante triginta annos.*” (CON. AGATH. *Can.* XVI. XVII.). The same Ages were required by our old Saxon Canons. (*Exc. Eph. Spelm.* *Con.* 1.). The *Canon Law* brought down the time to 25. (*Decret.* l. i. t. 6.). But by favourable construction 24 and one day over would serve, and less by dispensation. But our *Statute Law* has fixed the time to 24.—13 *Eliz.* c. 12.’—*Com. Pr.* in loco.

\*.\* The ancient rule imposed 25 years. (*Rom. Can. L.* *distinc.* 77. *can.* 5—7; 4th *Con. Toledo*, c. 19; 4th *Con. Arles*, c. 1; 3rd *Lat. Con.* c. 3), which was adopted by our early Anglo-Saxon Church, as shewn in the Excerptions of *Ecbright*, Abp. of York, A. D. 750. (1 *Spelm.* 297; 1 *Wilk. Conc.* 102.); the rule however was frequently relaxed by Papal dispensation, as may be gathered from the Register of ABP. REYNOLDS (*f.* 31. a; 66. b.) A. D. 1313. Eventually, about the time of the Reformation, the Council of Trent, and the Pontifical, decided that after the age of 20 years any one was open to the Diaconate. The Church of England at that period enjoined in the Preface of her *Ordinal* (A. D. 1549-50), that a DEACON should be 21 years old, thus—‘None shall be admitted a DEACON except he be XXI years of age at the least.’—(SPARROW’S *Coll.* 138; KEELING’S *Lit. Brit.* 365; SHORT’S *Hist. of Ch. of Eng.* 4th edit. p. 451. note c.). In the ‘*Reformatio Legum*’ (1551—1571.) the age was fixed at 25 years; thus—‘Igitur... expectari volumus in parochiis (parochiis), ut vocant, vicesimum quintum,... siquidem cura sit illis ulla certorum hominum commissa &c.’—*De Admit. ad Ecc. Ben.* c. 21. An alteration however was made in the time of Elizabeth, and confirmed by Act of Parliament, (A. D. 1570), requiring the age of a PRIEST and a DEACON to be 24 years, and 23 years respectively: yet it was some time before there was general conformity in this matter; since we find ABP.

WHITGIFT, in 1584, issuing this Injunction among others:—  
'That no Busshop henceforth do admit any into *Orders* but such  
'as shall be...*of age ful 24 years.*'—(CARDWELL'S *Doc. Ann.*  
I. 414.)

This is also imposed in the *Articuli pro Clero* of 1584, and in the  
*Constitutions* of 1597, in these words:—'Ne quis Episcopus posthac  
'aliquem in Sacros Ordines co-optet, qui non...vicesimum quar-  
'tum ætatis suæ annum jam compleverit.'—(SPARROW'S *Coll.* 193.  
245; CARDWELL'S *Syn.* I. 139.)

The CANONS of 1603-4, and the revised Preface of the *Ordinal*  
in the Liturgy, confirmed the practice enjoined by *Elizabeth*; yet  
in this Preface, a proviso was added, that a *faculty* or *dispensation*  
might be obtained for persons of extraordinary abilities to be  
admitted sooner. (GIBS. *Codex* 145.) This was occasionally adopted,  
although charily. ABP. SANCROFT, and the Bishops of the  
province of Canterbury, in 1685, agreed among other things—  
'I. That they will henceforth ordain no man DEACON except he be  
'23 years old, unless he have a *Faculty*; which the Archbishop  
'declares he will not grant, but upon very urgent occasion; nor  
'PRIEST, unless he be full and complete 24 years old, as it is  
'indispensably required in the Preface to the Book of Ordi-  
'nation.'....So again, 'II. That they will not admit or institute  
'any persou, who hath been formerly ordained, to Cure of Souls,  
'unless it appear by like Testimonial (Baptismal Register), that  
'when he was ordained, he was of *Canonical age*: none but those  
'who are so ordained being by the late Act of Uniformity (13 & 14  
'*Car.* II. c. 4. A. D. 1662. *see postea*), and the Statute, 13 *Eliz.* c. 12.  
's. 5. capable to be admitted to any Benefice with cure.'—(CARD-  
WELL'S *Doc. Ann.* II. 303, 304.). See also *Roberts v. Pain*  
(3 Mod. 67.).

Subsequently to this, appeared the confirming  
Statute, 44 *Geo.* III. c. 43. as quoted above, in the  
2nd Section of which an express exception is made in  
favour of a *Faculty* or *Dispensation* from the Abp. of  
CANTERBURY, or the Abp. of ARMAGH, who are  
allowed to admit at an earlier age persons possessing  
very extraordinary abilities. Thus—

'Be it further enacted, that nothing herein contained shall  
'extend, or be construed to extend, to take away any right  
'of granting *Faculties* heretofore lawfully exercised, and which  
'now be lawfully exercised by the Archbishop of Canterbury, or  
'the Archbishop of Armagh.'—44 *Geo.* III. c. 43. s. 2.

This dispensation only applies to *Deacon's Orders*.

DEAN COMBER (*ob.* 1699.) remarks on this privilege—'In case  
'of great and early merit, or an extraordinary occasion, the  
'limitation with respect to *Deacons* may be dispensed with. No  
'doubt there are some persons of early parts, and extraordinary  
'learning and wisdom, though they be very young, and in such  
'cases they are to be regarded rather according to their discretion  
'and knowledge than their ages. Such was the famously learned

'*Bishop Usher*, ordained before he was 21; and the pious and eloquent *Bishop Jeremy Taylor*; who entered into Orders younger than he, wherefore it is fit there should be a power of dispensing, being necessary in some cases and commendable in others,'—*Comp. to the Temple*.

DR. BURN says—'A *Faculty* or *Dispensation* is allowed, for persons of extraordinary abilities to be admitted DEACONS sooner. Which *Faculty* as it seemeth must be obtained from the Abp. of Canterbury. And by 13 *Eliz.* c. 12. "None shall be made *Minister* being under the age of 24 years." And in this case there is 'no Dispensation.' (GIBS. *Cod.* 145—6.)—*Eccles. L.* Phil. iii. 44.

If your Age, however, exceeds 30 years, certain of the Bishops of the present day will not admit you as a Candidate for Holy Orders, under the supposition that your previous pursuits were incompatible with a due preparation for this sacred calling. It is impossible to define here who these Bishops are; as the various 'Sees' are subject to continual change with respect to their occupants, either from death, or from removal to another Diocese.

Possessing the requisite age, the next question will be the *Title for Orders*.

### TITLE FOR ORDERS.

This is in a great measure dependent upon the 33rd CANON, which thus enjoins:—

'...No person shall be admitted into *Sacred Orders*, except he shall at that time exhibit to the Bishop...a presentation of himself

- (1) 'To some *Ecclesiastical Preferment*; or shall bring to the said Bishop a true and undoubted certificate, that he is provided
- (2) Of some *Church* in the Diocese where he may attend the Cure of Souls.—or
- (3) 'Of some *Minister's place* in the Cathedral...or some other Collegiate Church:—or
- (4) 'Is a *Fellow* or in right as a Fellow in some College in Cambridge or Oxford:—or
- (5) 'A *Chaplain* in some College in Cambridge or Oxford:—or
- (6) 'An *M. A.* of five years' standing that liveth of his own charge in either of the Universities;—or

- (7) 'Except by the Bishop himself, that doth ordain him  
'Minister, he be shortly after to be admitted either to  
'some Benefice, or Curateship:—

'And if any Bishop shall admit any person into the Ministry,  
'that hath none of these Titles.... then he shall keep and main-  
'tain him with all things necessary, till he do prefer him to  
'some Ecclesiastical Living. And if the said Bishop shall  
'refuse so to do, he shall be suspended by the Archbishop,  
'being assisted with another Bishop, from giving of Orders for  
'the space of a year.'—CANON 33.

Any one of the above provisions is called a 'Title for Orders'; the 6th however (*i. e.* being an *M. A. of five years' standing*) is not now admitted: yet the following have in some rare instances been acknowledged as sufficient *Titles*:—

- (8) The *Mastership* of a School.
- (9) A *Chaplaincy* of a Jail, or Union Workhouse.
- (10) A *Foreign Chaplaincy*.
- (11) A *Colonial Cure*.

A 'TITLE' is not to be looked upon as a mere formula, but a matter that requires the gravest consideration, especially the question of *maintenance*, as the evidences annexed will prove.

The 33rd CANON above quoted is of very ancient authority, and will be found among the *Constitutions* of 1597 (in SPARROW'S *Coll.* p. 245.), and the *Articuli pro Clero* of 1584. (*ib.* p. 193.) It may be traced thence to a Constitution of OTHO (*cir.* A. D. 1220), which enjoins:—'Seeing it is dangerous to Ordain any without a certain and true *Title*; we do establish that before the conferring of Orders by the Bishop a diligent search of inquiry be made thereof.' (*Ath.* 16.)—From this we may pass to the *Corpus Juris Canonici*, which says—'Non liceat ulli Episcopo ordinare Clericos, et eis nullas alimonias præstare; sed duorum alterum eligat; vel non faciat Clericos, vel si fecerit, det illis unde vivere possint;' (*Extrav. l. 3. t. 5. c. 2.* See also *l. 1. t. 14. c. 13.*—*cir.* A. D. 1317): and upwards to the *Third Lateran Council* (A. D. 1179.), in the 5th Canon of which, it was enjoined.—'Ne aliquis ordinetur sine certo *Titulo*; Episcopus, si aliquem sine certo *Titulo*, de quo necessaria vitæ percipiat, in Diaconum vel Presbyterum ordinaverit, tamdiu necessaria ei subministret, donec in aliquâ ei Ecclesiâ convenientia stipendia militiæ clericalis assignet; nisi forte talis ordinatus de suâ, vel paternâ hæreditate subsidium vitæ possit habere.' (2 *Spel.* 124.)

'This Canon,' says DR. BURN, 'was taken into the body of laws made in a Council held at London in A. D. 1200. (A. D. 1126. *Spelm.* 52. p. 34.) And in the time of ARB. WINCHELSEY (A. D. 1294—1313), there is in the Register (*Reg. Win.* 149, b. 150. b.) an order from the Archbishop to one of his com-provincial Bishops, to provide one of a Benefice whom he had

'ordained without a *Title*: and a citation of the Executors of a Bishop deceased, to oblige them to provide for one whom the Bishop had so ordained. There is also an order to a Bishop to oblige a Clergyman, who had given a *Title* of a certain annual sum, to pay it till the Clerk should be provided for; (*ib.* 188, a. 223, a.). Likewise a citation to Merton College, to show cause why they should not be obliged to maintain one, to whom they had given a *Title* at his Ordination. (*ib.* 149, b. 294, a.). In like manner the observance of this CANON of 1603 (or rather of the common law of the Church, of which this Canon is only an affirmation) was specially enforced upon the Bishops by CHARLES I., and ABP. LAUD, upon this pain or penalty, of maintaining the person, if they should ordain any without such *Title*. (*Reg. Laud* 191. b.). And in ancient times, the names of the persons who granted the *Titles* were entered in the acts of Ordination, as standing engaged; as a testimony against the person entitling, in case the Clerk (ordained upon such *Title*) should at any time want convenient maintenance. (*GIBS. Cod.* 141). And whereas the laws of the Church in this particular might be eluded, by a promise on the part of the person ordained, not to insist upon such maintenance; we find that case considered in the ancient Gloss (*Sext. Decr. l. 3. t. 4. c. 37. v. Ad. præmissa Gloss.*), and there it seems to be determined, that the same being a public right cannot be released. And before that, it had been made part of the body of the Canon Law (*Extrav. l. 5. t. 3. c. 37.*), that persons having made such promise, unless compassionately dispensed withal, ought not to be admitted to a higher Order, nor to minister in the Order already taken. (*Distinc. 70. c. 1, 2.—GIBS. Cod.* 141.).—*Eccl. L. Phil.* iii. 46.

MR. STEPHENS (*Barrister-at-Law*) adds to these remarks—'It is much to be wished, that the Laws of the Church in this particular, were strictly executed, especially in the case of '*Titles*' to temporary Cures (if such are really comprehended and allowed in this Canon); and that the persons who grant such *Titles* were made more sensible of the consequence of what they do...The scandal and inconveniences of many kinds which accrue to the Church, by multiplying the number of Clergymen so far beyond the number of Benefices (and that chiefly by means of the *Titles* under consideration), seem to deserve consideration, and to call for a speedy and effectual remedy.'—*Laws Rel. to the Clergy* 828. n.

Strict adherence to the requirements of this CANON (33rd.) has from time to time been urged upon the Clergy by the rulers of the Church: thus—

ABP. SANCROFT, and the Bishops of the province of Canterbury, in 1685, agreed to admit none to Holy Orders, who were not possessed of a *Title* required by CANON 33—'Among which a *Curacy* under a Parson or Vicar, during his pleasure, is not to be accounted to be one, unless that Parson or Vicar doth under his hand and seal, and before witnesses oblige himself to the Bishop both to accept that person *bonâ fide* (when he shall be ordained and licensed by the Bishop) to serve under him, and assist him, and also to allow him such salary, as the Bishop shall approve of, so long as he



'shall continue doing his duty there; and lastly, not to put him out of that employment, but for reasons to be allowed by the Bishop.'  
—CARDWELL'S *Doc. Ann.* ii. 305.

So, in the Injunctions of William III, in the time of ABP. TENNISON, A. D. 1694 it is laid down—'That every Bishop shall be well satisfied, that all persons that are to be ordained, have a real *'Title' with a sufficient maintenance*, according to the 33rd CANON, in which matter we require the Bishops to use an especial care.'—(*ib.* ii. 331.)

The remarks of ARCHDEACON SHARP, on the subject of a *'Title'*,—as to its being a *real* or *sham* *'Title'*—are worthy of perusal. The ARCHDEACON says—'Now to make any question whether we are bound to observe this CANON according to the letter, if we are bound by it at all, seems to me like making a question whether we are bound to act honestly and uprightly'.... He then animadverts upon the impropriety of imposing for favour or friendship's sake upon the Diocesan by an *untrue certificate*—adding—'But it may be said, and it may possibly sometimes be the case, What if the Bishop be previously acquainted that such *Title* to be given is *not real*, and yet doth for special reasons think fit to allow and accept it only as a *'Title' in form*? No doubt the case then is very much altered. It is altogether so in one respect, that the Bishop is not deceived, and cannot be disappointed in giving credit to what deserves none. But how far the case is altered in other respects is not so easily said, unless one knew those special reasons which induce the Bishop to this private tacit dispensation. If he does not design thereby to discharge himself from the obligation he lies under, by this CANON, to *provide for every person he ordains* without ascertaining a real maintenance,\* I can see no end that such a mock Certificate can answer. For he might as well to the full ordain without any *Title*, as with this which is properly none.... But, if on the other hand the Bishop, knowing it *not real*, should take it nevertheless in form as his own indemnity or security, then it may prove not altogether so *sham* a thing as the giver of it may imagine. For it may be realized whenever there shall be occasion for so doing; and it will pass in all the Courts where it

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\* The ARCHDEACON in a *Note* quotes the last clause of the CANON, referring to *maintenance*, and adds—'This is the common law of the Church, of which this CANON is only an assurance. And not only a Bishop, but even his Executors have been called upon to allow a *maintenance* to such as he hath ordained without any *Title*. (Cod. p. 162. See above p. 8.). Now, when a Beneficed man gives the Certificate aforesaid which makes the *Title*, he is supposed thereby to charge himself with the *maintenance* of the person to be ordained upon it; and therefore, generally speaking, the maintenance is fixed and specified in the said Certificate, in order to make it a *Canonical Title*, and put it upon the same footing with the other *Titles* here mentioned. That persons *entitling* may be, and have been, called upon to provide for a Clerk ordained upon their *Title* when he hath wanted a maintenance, See Cod. p. 162; and DR. GREY'S *Abridgment*. p. 44.'

'can be pleaded, if it comes there, as having been tendered and received for "a true and undoubted Certificate," such as the Canons require; and will be as binding upon the man that gave it in all respects, as if it had been originally real and unfeigned. The sum of what I would say is this: no Certificate of this kind, but what is given *bonâ fide*, can be the Certificate required in this CANON. But whereas the Bishop may ordain without a *Title*, submitting to the condition consequent upon his doing so; he may likewise dispense as he pleases with the Certificate either in whole or in part, in matter or in form. Only be it remembered, that, if it be in true form, it will have the true effect, to save one party harmless, and to bind the other as a security.' (p. 109.)—*On Rubric & Canons*. Charge A. D. 1741.

Passing from the consideration of the CANON, and its requirements, it is presumed, then, if you are a *University man*, that you have taken your B. A. degree, attended the requisite *Divinity Lectures*, passed the necessary *Theological Examinations* (see CANON 34. *postea*); and are therefore enquiring for a '*Curacy with a Title*.'

If, however, you are *not* a University man, but of some *Theological* or other College, or merely a *Literate*, you must be provided with recommendations, and testimonials sufficiently high and indisputable in respect of your ability, spirituality of mind, and previous general pursuits, to answer for your fitness for the Holy Office into which you are desirous of entering.

Thus prepared, in your enquiries for a TITLE, first apply yourself to your *private friends*: personal recommendation, and personal interest, always carry with them some degree of security for your seriousness at the present time, and your promise for the future. Do not be over anxious for a '*Title*' in the place of your birth, or where you have spent the days of your youth. It may seem to you very desirable; what you would even make many sacrifices to obtain. But trace these feelings honestly to their source, and it will be found in ninety-nine cases out of a hundred, that personal comfort, or personal convenience, or family pride, are at the bottom. How can impulses such as these school you into the self-denying and arduous duties of a Christian Minister? How can you wean yourself from the habits and companionship

of your early days, and become the example and the guiding star of a neighbourhood, where you so lately may have shown yourself, perhaps, a votary of pleasure, or a slave to the world? Can you uproot that prejudice which He of Nazareth found it no easy thing to do? Has experience ever gainsayed that memorable declaration of Our Lord, "A prophet is not without honour, but in his own country, and among his own kin, and in his own house?" (*Mark* vi. 4.). In the face of this, he advised, and look elsewhere. The hundredth case, however, must speak for itself, and depend upon its own arguments, and its own merits.

If the enquiries among your friends fail, you may then apply to the *Authorities of your College*, or to the *Divinity Professors*, or other *leading men* of your University, to whom you may have been introduced; for these have generally continual applications from all parts of the Kingdom, and if they find reason to be satisfied with you, may take pleasure in recommending you to notice. If you are disappointed here, then there is nothing left but to search the *advertising columns* of the Public Press, particularly the Ecclesiastical, and Church Papers. Possibly among the "CURATES WANTED" you may find something suitable to your views. Never *advertise* yourself, but as a '*dernier ressort*,' for most Incumbents look shy, if they look at all, at Advertisements of this kind. With some, the fact of advertising argues a want of talent, or capability, or some other deficiency; with others, where '*caste*' enters into the consideration, it is thought to imply a want of respectable connexions, and recommendation. Avoid, by all means, exposing yourself to suspicions of this kind. I speak now of their practical effects without scrutinizing the motives. I would not however lead you to suppose, that *all* Incumbents hold such opinions in respect of *advertising*; because there are many, who, from long absence from College, or from the remoteness of their Parishes, have no other method of making known

their wants in this respect, and possess no other means of getting those wants supplied. I ought not to omit to mention, however, that recourse is frequently had to a '*Clerical Agency Office*,' where they profess to keep a '*Register*' of these requirements of the Clergy, and also undertake to negotiate between Incumbents and Curates; but this is attended with expence.\*

If you are a man of sound health, and robust constitution, it will not perhaps be a matter of much concern what locality may offer itself for your consideration: whether the fens of Lincolnshire, the moors of Northumberland, or the mountains of Wales;† or whether it be in the heart of a city,

\* The *Charges* made for Agency at these Offices vary under different circumstances: the following are the most usual.

- (a) Candidates for Holy Orders requiring a '*CURACY WITH A TITLE*' pay a *Registration fee* of 2s. 6d.; and on obtaining an engagement, a premium of 3 *Guineas* at the least. Sometimes there is a further charge of 5 *per cent.* on the amount of the *first year's Stipend* or Remuneration; (by the latter term is implied the money-value of a *House*, or *Lodgings*, furnished or unfurnished, or of *Board*, which may be given in lieu of a part, or of the whole of the Stipend).
- (b) Clergymen in Orders requiring a *CURACY* pay a *Registration fee* of 2s. 6d.; and on obtaining a permanent (*i.e.* of above 3 months duration) engagement, a premium of 3 *Guineas*, or 5 *per cent.* on the *first year's Stipend* or Remuneration.
- (c) Clergymen obtaining '*Temporary Duty*' for 3 months, or less, pay a premium of *one Guinea*, or 10 *per cent.* on the amount received.
- (d) Clergymen obtaining a *Sunday-Duty* are charged a *premium* of 10 *per cent.* on the remuneration received.
- (e) On engagements *out of England*, the premium is 1½ *per cent.* extra.
- (f) *SCRIPTURE-READERS*, requiring an engagement, pay a *Registration fee* of 2s. 6d., and on obtaining a permanent position, a premium of 3 *per cent.* on the *first year's Stipend*, or Remuneration.

\*.\* In addition to the above Charges may be set down the expences of *correspondence*, and of *postage*. *INCUMBENTS*, however, applying to these Agency Offices for *CURATES* are free from any other outlay than the cost of these two items.

† With regard to *WALES* it is necessary that you have a competent knowledge of the *Welsh Language* before you can be ordained on a Title to those Parishes in the Principality where

within the purlieus of a manufacturing district, or in a country village. You have to consider also, whether you possess that untiring zeal, that self-denial, and those active habits, which are peremptorily demanded from your Holy calling, where the over-sight is committed to you of a Parish whose population extends to many thousands; or whether you possess only those powers of mind and body, which will enable you to discharge the duties attendant upon a far more limited sphere of action. But even in the latter case, there are some Parishes whose population, though comparatively small, is yet so widely scattered, that a conscientious discharge of its Pastoral duties may produce considerable physical exhaustion; more, indeed, than many constitutions could long sustain.

*Welsh* is spoken. I may say, however, on the best authority, that there are *very many* Parishes in Wales—almost two whole counties, Pembrokeshire, and Radnorshire—as well as several in the Diocese of Llandaff, where there is *no Welsh* spoken.—By the 1 & 2 Vic. c. 106, which repeals the part of 6 & 7 Will. IV. c. 77. bearing on this subject,

It is enacted—‘that within the several Dioceses of *St Asaph*, ‘*Bangor*, *Llandaff*, and *St David’s*, it shall and may be lawful ‘for the Bishop, if he shall think fit, to refuse Institution or ‘Licence to any spiritual person who, after due examination and ‘inquiry, shall be found unable to preach, administer the Sacra- ‘ments, perform other pastoral Duties, and converse in the *Welsh* ‘*Language*: provided always that any such spiritual person may, ‘within one month after such refusal, *appeal* to the Archbishop of ‘Canterbury, who shall either confirm such refusal, or direct the ‘Bishop to grant Institution or Licence, as shall seem to the said ‘Archbishop just and proper: provided also, that nothing herein- ‘before contained shall be construed to affect or abridge any rights ‘which the inhabitants of any benefice within the said four Welsh ‘Dioceses may at present by law possess of entering a *Caveat* ‘against, or objecting in due course of law to the Institution, ‘Collation, or Licence of any spiritual person, or of proceeding to ‘procure the deprivation of any such person.’—*Sect.* 104.

And, ‘that all the provisions and powers of this Act relating ‘to the appointment of *Curates* where the Ecclesiastical duties ‘are inadequately performed shall within the several Dioceses of ‘*St Asaph*, *Bangor*, *Llandaff*, and *St David’s* extend and apply ‘to cases wherein the Bishop shall see reason to believe that the ‘Ecclesiastical Duties of any benefice are not satisfactorily per- ‘formed, by reason of the *insufficient instruction in the Welsh* ‘*Language* of the spiritual person serving such benefice.’—*Sect.* 105.

These are questions to be decided *before*, not after you have entered on your sphere of duty; for if you obtain a TITLE you are most probably pledged to your Diocesan, or at least expected by him, to remain two years; *i. e.* during the year of your Diaconate, and during the first year of your Priesthood. This pledge a punctilious conscience, notwithstanding the decline of health and muscular vigour, will urge you to fulfil, even at the risk of sowing the seeds of future ailment and disease, if not of destroying your constitution altogether; and thus you would prematurely become a superannuated labourer in the Vineyard of your Lord, when by a different selection, you might have long continued an efficient, and useful servant of your Divine Master. This is no over-drawn picture, nor fanciful description: many are the sufferers personally known to the Editor, who ascribe the bodily ills of their later days entirely to the over-taxing of their physical powers in the early charge of some over-peopled district.

In connection with this part of the subject, it is highly important that you should know the state of the Parish under your consideration, in so far as regards the extent of *Dissent* among its population; as well as the nature of that Dissent. You are to remember that you go as the *Curate of the Parish*, and not merely as the Curate of the *Congregation* which assembles in the Church. In exercising your administrations therefore in the midst of Dissenters, great forethought, forbearance, judgment, tact, and continual prayer for the support and guidance of a Supreme Power, are indispensably necessary; otherwise you will be worn out by the slower, yet more exhausting process of mental anxiety, springing from the disappointments you have to encounter, and the heart-burnings you have to endure. But 'be patient;' 'in due season you shall reap, if you faint not.' The religious Dissenter, whose Christianity is known by its fruits, must needs be worthy of your respect. But the worldly-minded, political Dissenter, deeply pre-

judiced against the Church and its Ministers, will be found captious, and suspicious. You have, however, to win, not to repel them; to lead them, and not to drive. They are a part of your flock, wanderers indeed; but let the estrangement at all events proceed from them, not from you. Let them not feel that you look upon them as Dissenters. The task will be difficult, the forbearance required beyond anticipation. Firmness of principle with affability of manners will be better than argument; and your Christian life will preach more to them than all the Controversial Sermons you may have had the opportunity of delivering; for these perhaps they have never heard. There may be positions in which you must expect to be misrepresented, reviled, and even scoffed at: in such a case there is nothing left you but to turn to the example of your Lord, which can alone comfort you, and enable you to endure it. One false step in temper, judgment, or principle, and your ministrations are at once impaired, and their efficacy, beyond the pale of your Church *Congregation*, damaged, if not destroyed.

You have next to learn how far your own views in points of *Doctrine* coincide with those of the Incumbent under whom you contemplate an engagement. Remember the words of the prophet—"Can two walk together, except they be agreed?" (*Amos* iii. 3.). One mode of doctrine in the morning from the Incumbent, and a different representation in the evening from the Curate, can neither edify the people, strengthen the Church, promote Christianity, conduce to the satisfying of your conscience, nor afford you peace of mind. This must by all means be avoided. The question of Doctrine will determine also the *Diocese* into which you may wish to fix yourself: for your Examination for Orders will probably take its colouring in accordance with the particular views of the Bishop of that Diocese. It is much to be regretted that the diversities of opinion which exist on many points of Doctrine and of Discipline should

excite the spirit of controversy amongst us with such bitterness and warmth; and maintain in these days of danger and of trial that array of party feeling so destructive of unity, and so detrimental to our best prosperity. But you enter into the arena as you find it, and not as you would wish it to be. Be settled in your religious views before you undertake to teach religion: look to your Ordination vows, and suffer not yourself to be "tossed to and fro, and carried about "with every wind of doctrine" (*Eph. iv. 14.*). Let Christian charity be the basis of your decision, and allow your Clerical brother, should he differ in "*things indifferent*," the equal privilege of having *his* peculiar views, as you have *yours*. Yet readily give encouragement to the Apostolical injunction,—'Edify one another.'

Possibly you may have been long decided in your opinions, and have *predetermined* in what Diocese you will commence your Ministry. If so, immediately communicate in writing to the Bishop of that Diocese, your intention of offering yourself as a Candidate for *Holy Orders* at some early period, stating your Age, —College,—Academical Degree,—and place of Residence; with references to one or two respectable persons who may answer any enquiries the Bishop may feel disposed to make: at the same time, you may request to be informed in what subjects you should prepare yourself for Examination. Some Bishops require to be acquainted with such intention, and to have a personal interview with their Candidates, *six months* at least before Ordination. This rule must not therefore be neglected.

The communication may be made in the following form:—

' Clarendon Square, Brighton,  
' March 1st, 1852.

' My Lord Bishop,

' I have the honour to inform your Lordship that  
' it is my intention to offer myself as a Candidate for Holy Orders  
' in your Lordship's Diocese at some early period.



'I took my Degree in *January last*, and shall be *twenty-four* years of age *next October*. My usual place of residence will be found stated above; and I have permission to refer your Lordship to *Sir A \* \* \* B \* \* \**, — *Park, Dorset*, and to *E \* \* \* F \* \* \** *Esq., Belgrave Square, London*, for any further information respecting me, that your Lordship may require.

'I have the honour to be,

'My Lord Bishop,

'Your Lordship's most obedient,

'Humble servant,

'C \* \* \* D \* \* \*, B.A.,

'of *Trinity College, Cambridge*.'

'To the Right Reverend the Lord Bishop of —' \*  
&c. &c. &c.

#### Address the ENVELOPE

'To the Right Reverend The Lord Bishop of —  
'The Palace,  
'—.'

If the Bishop is a *Member of the Privy Council*, the Superscription should be

'To the Right Honourable,  
'and Right Reverend, The Lord Bishop of London  
'The Palace,  
'St James's Square,  
'London.'

\* If these words of address are placed at the beginning of the Letter instead of at the end, you may say '*My Lord*,' instead of '*My Lord Bishop*': thus,—

'Clarendon Square, Brighton,  
'March 1st, 1852.

'To the Right Reverend the Lord Bishop of —.

'My Lord,

'I have the honour to inform, &c.'

In communicating with an ARCHBISHOP use these forms:—

(Instead of '*My Lord Bishop*,' say)

'*My Lord Archbishop*.'

(Instead of '*your Lordship*,' in the body of the letter, say)

'*your Grace*,' (and subscribe yourself thus:—

'*I have the honour to be,*

'*My Lord Archbishop,*

'*Your Grace's most devoted and*

'*Most obedient Servant,*

'*C\*\*\* D\*\*\*\* B.A.*

&c. &c.

'*To the Most Reverend*

'*The Lord Archbishop of Canterbury.*

*&c. &c. &c.*

Address the ENVELOPE thus:—

'*To His Grace,*

'*The Lord Archbishop of Canterbury,*

'*The Palace,*

'*Lambeth.*'

\* \* Similar intimation was required in past times.

ABP. SANCROFT, and the Bishops of the province of Canterbury, A. D. 1685. agreed — 'That they will ordain none but such as shall, a full *month* before the day of Ordination, bring or send 'to the Bishop notice in writing of their desire to enter into Holy Orders, together with such *Certificate of their Age*, and such *Testimonials* of their behaviour and conversation, as are above 'required' (quoted *postea*); 'to the end, that the Bishop may (if he think fit) make further inquiry into all particulars, and also give 'open *monitions* to all men to except against such, as they may 'perhaps know not to be worthy, as it is expressly required by 'that excellent Canon 1564, (the *Adv.* of Eliz.), and may be performed, as otherwise, so generally by affixing a *Schedule* of the 'names of the Candidates upon the Doors of the Cathedral, for as 'long time before, as they are given in.'—CARDWELL'S *Doc. Ann.* ii. 306. Oxford Ed. 1839.

In 1689, and again in 1694. *Royal Injunctions* were issued calling upon the Bishops to exercise great caution with respect to Candidates for Holy Orders. At the latter date, during the Archiepiscopate of TENISON, it was ordered.—'That every person, to be 'admitted to Holy Orders, do signify his Name, and the Place of his 'abode, to the Bishop, 14 *days* before he is ordained, to the end 'that inquiry be made into his life and conversation.'—(*ib.* ii. 327, 330.)

ABP. WAKE also, in his letter to the Bishops of his province (A. D. 1716.), enjoins—‘That you require of every person, who desires to be admitted into Holy Orders, that he signify to you his Name, and Place of abode, and transmit to you his *Testimonial*, and a *Certificate of his age* duly attested, with the *Title*, upon which he is to be ordained, at least 20 days before the time of Ordination.’—(*ib.* ii. 368.)

There is one other consideration, and that is the *Stipend*, which may, or may not, be a matter of importance. You may have private means, or may be a man of few and moderate wants. You may be married, or may be single. You may be placed in an expensive neighbourhood, or in a cheap one. All these things demand your attention at the outset; it is too late afterwards. The *Stipend* varies under different circumstances. A *Deacon* must not expect so high a remuneration as one in *Priest's* Orders; nor, if in a Country Parish with a small population, so large a *Stipend* as in a Town, or Manufacturing district; nor, if an assistant to a *resident* Incumbent, so great a salary as if in a *Sole Charge*,—i. e. where the Incumbent is *non-resident*. Much will depend sometimes on the facilities for procuring a reasonable house, or a respectable lodging. The ordinary *Stipend* to a *DEACON* varies from £60 to £100 per annum: under some circumstances it is even as low as from £45. to £50. per annum. In very many cases a stipulation is made for an increase of £10. or £20. on obtaining *Priest's* Orders. When the Incumbent is *non-resident* the *Stipend* is regulated by Act of Parliament, and made dependent upon the amount of the population; but it is not often that a *Deacon* is placed in a *Sole Charge*.

By 1 & 2 *Vict.* c. 106. s. 85. *Non-resident Incumbents*, instituted since the 20th of July, 1813, must pay their *Stipendiary Curates* according to the following scale, whether they are *Deacons*, or *Priests*.

	<i>per annum.</i>
In no case must the <i>Stipend</i> be less than .....	£80.
If the Population amount to 300 the <i>Stipend</i> must be	£100.
Ditto. .... 500 .....	£120.
Ditto..... 750 .....	£135.
Ditto..... 1000 .....	£150.

- .\*. In either of the above cases, the *amount of the Benefice* itself is to be paid, if the Income does not exceed these sums respectively.

By the same *Act*, the Bishops are invested with powers to make further arrangements: this matter, however, and all other questions connected with the *payment*, and *recovery* of Stipends, will be found fully treated on under 'The LEGAL ENACTMENTS *affecting the STIPENDIARY CURATE:*' (*postea*).

We may now suppose that from some friendly source, or in answer to some Advertisement, a '*Curacy with a Title*' has been offered for your acceptance. A correspondence having been opened, immediately request a personal interview with the Incumbent, if he is a stranger to you, and visit the locality. This will prevent many future regrets, and probably lead you to be reconciled to much that would otherwise disappoint you; for in such a case you must in justice blame your own want of foresight, and judgment, rather than reproach the persons or circumstances concerned. We are all of us too much disposed to deal more gently with ourselves, than with men, and things around us. It will be desirable that you should first visit the *Church* in which you propose to officiate, and observe, if its area is extensive, whether you think you have sufficient strength of voice to fill it without undue exertion. If you have *not*, you would seriously endanger your continuance in the Ministry by going beyond the physical powers of your organs of speech,—relaxed throat, elongated uvula, and diseased lungs, would inevitably supervene, and prove a constant source of trouble, and interruption, if not of danger, ever afterwards.

Enquire what *Sunday Duties* will fall to you: and ascertain what demands will be made upon your time and strength in respect of the *Week-Day Services*, if any, of the *Pastoral Visiting*, and of the *Occasional Duties*. Mark also the contiguity of the *School* to the Church; and learn what is expected from you *there*:

likewise note the position of your *residence* with respect to the Church, and the School. Our seasons are not perpetual summers, nor are our constitutions of the strength of iron: two or three hours of 'duty' in sodden apparel, or with wet feet, are not likely to benefit a delicate frame, nor strengthen a Minister's efficiency amongst those committed to his charge.

Connected with the question of *locality*, there is one other point I am bound to refer to, should you be a *married man*, and particularly if newly married; and that is, not to let the finer feelings and more delicate temperament of your partner be shut out from all consideration in your selection. To take a Wife from a large and cheerful family, accustomed to every luxury and refinement, and the enjoyment of much society, and place her suddenly in a desolate and lonely parish, has a tendency to produce, in fact has produced, in some constitutions such a derangement of the nervous system, as to bring on melancholia, and hypochondriasis, to the permanent injury both of mind, and body.

Details of this kind may seem prolix, and even unnecessary; it is nevertheless true that these circumstances are often neglected; and equally true that they are the causes of more changes among Curates, than matters of greater moment, or of higher importance.

Preliminaries having been settled, and arrangements completed with the Incumbent as to *Stipend*, the *Duties*, and the *time* of entering upon your charge, you are now a *bonâ fide* 'CANDIDATE for *Deacon's Orders*,' and it will be necessary for you at once to prepare for ORDINATION according to the following instructions.

I may first observe that, should your predecessor in the Curacy leave his charge before you are ready to fill his place, it is not your province to find a temporary supply; you may recommend a friend in order to prevent inconvenience to the

Incumbent: but the liability to remunerate the '*locum tenens*' must depend solely upon the engagement entered into between him and the Incumbent. You have legally, and properly, nothing to do with the Curacy till you are in Orders, and have been *licensed* thereto; and you date your claim for remuneration from the day you begin any spiritual duty in the Parish.

It is advisable, should you ever have the opportunity, *not* to take up your residence in your Curacy *before* you are in Orders. If you are to be the spiritual Pastor of a flock, do not unnecessarily familiarize yourself with them as a layman.

### ORDINATION.

HAVING the promise of a '*Curacy with a Title*,' communicate to the Bishop in whose Diocese the Curacy may be situated, or to his *Examining Chaplain*, or to his *Secretary*, your intention of offering yourself as a CANDIDATE for *Deacon's Orders* at such and such an *Ordination*; adopting the form and manner following, (provided, however, that you have *previously* informed the Bishop of your intention of taking Holy Orders in his Diocese, *according to the form given in page 16*).

'Clarendon Square, Brighton,  
'March 1st, 1852.

'My Lord Bishop,

'I have the honour to inform your Lordship that it is  
'my intention to offer myself as a Candidate for *Deacon's Orders*  
'at your Lordship's *ensuing* Ordination. May I be allowed to  
'enquire what Subjects it is necessary for me to prepare for Exam-  
'ination?

'I have the honour to be,

'My Lord Bishop,

'Your Lordship's most obedient,

'Humble servant,

'C \* \* \* D \* \* \* B. A.,

'Of Trinity College, Cambridge.'

'To the Right Reverend

'The Lord Bishop of ——.'

&c. &c. &c.

Address as in *page 17*.

If you have *not* communicated with the Bishop *previously*, use something similar to the following form :—

‘ *Clarendon Square, Brighton.*

‘ *March 1st, 1852.*

‘ My Lord Bishop,

‘ I have the honour to inform your Lordship that tho  
‘ *Reverend G \* \* \* H \* \* \**, Rector of —— in your Lordship’s  
‘ Diocese, has offered me his ‘Curacy with a Title,’ which I have  
‘ accepted; it is my intention therefore to present myself as a  
‘ Candidate for *Deacon’s Orders* at your Lordship’s *ensuing Or-*  
‘ *dination*, provided it meets your Lordship’s approbation.

‘ I took my degree in *January last*, and shall be *twenty-four*  
‘ years of age *next October*. My place of residence is stated above,  
‘ and I beg to refer your Lordship to *Sir A \* \* \* B \* \* \**, ——  
‘ *Park, Dorset*, and to *E \* \* \* F \* \* \* Esq., Belgrave Square,*  
‘ *London*, for any additional information your Lordship may require.

‘ I have the honour to be,

‘ My Lord Bishop,

‘ Your Lordship’s most obedient,

‘ Humble servant,

‘ *C \* \* \* D \* \* \* B. A.*

‘ *Of Trinity College, Cambridge.*

‘ To the Right Reverend

‘ The Lord Bishop of ——.’

Address as in *page 17*.

In answer to either of these communications the Bishop, after making what enquiries he thinks fit, will immediately reply, and direct you to correspond with his *Examining Chaplain* in respect of the subjects for Examination; and at the same time require you to forward to his *Secretary* the necessary Papers, which you will find enumerated in the following pages. The public Advertisements in the Ecclesiastical Newspapers will inform you who the *Examining Chaplain*, and the *Secretary*, are.

The Answer from the *Examining Chaplain* will be in some such words as these :—

'London, March 20th, 1852.

'Dear Sir,

'The Bishop of ——— is desirous that all Candidates for  
'Deacon's Orders in his Diocese should be well acquainted with

'1. The Greek Testament to the end of the Acts of the  
'Apostles.

'2. Bishop Beveridge on the XXXIX Articles.

'3. The History of the Church of England, especially of the  
'Reformation (*e.g.* Short's Sketch of the History of  
'the Church of England).

'4. The History of the Prayer Book.

'(*e.g.* The *Narrative* portion of Dr. Cardwell's  
'History of the Conferences, &c. respecting the  
'Revision of the Book of Common Prayer).

'5. The Old, and New Testament History.

'The Bishop requires also some acquaintance with Latin Com-  
'position, and the Composition of a Sermon in English.\* The  
'Examination will begin on the *Tuesday*, preceding *Trinity*  
'*Sunday*.'

'Believe me to be,

'Faithfully yours,

'To C \* \* \* D \* \* \*, Esq.'

'E \* \* \* C \* \* \*.'

\*. \* It is required by the 34th CANON that Candidates should be graduates of *Oxford*, or *Cambridge*, or be conversant with the XXXIX Articles, and the *Scriptures*, and be well versed in the *Latin language*. But in later times these restrictions have been relaxed in favour of the admission of graduates of other Colleges and Universities, and of *Literates*, as Candidates for Ordination.

By the 35th CANON it is enjoined that the Examination of Candidates shall be by the Bishop, or by three Ministers at the least: thus—

'The Bishop before he admit any person to Holy Orders shall  
'diligently examine him in the presence of those Ministers that  
'shall assist him at the imposition of hands; and if the said  
'Bishop have any lawful impediment, he shall cause the said  
'Ministers carefully to examine every such person so to be  
'ordained. Provided that they who shall assist the Bishop in  
'examining and laying on of hands, shall be...to the number  
'of *three* at the least; and if any Bishop or Suffragan shall admit  
'any to Sacred Orders who is not so qualified and examined, as  
'we have before ordained, the Archbishop of his province having  
'notice thereof, and being assisted therein by one Bishop, shall

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\* The Subjects for Examination, both for *Deacons*, and *Priests*, differ exceedingly in the various Dioceses. The requirements of one Bishop are given above, but they convey a very inadequate idea of what another may demand.



'suspend the said Bishop or Suffragan so offending, from making either Deacons or Priests for the space of two years.'—CANON 35.

According 'to common right, and the old Canon law,' says GIBSON, 'this *Examination* pertaineth to the *Archdeacon*;' as is also supposed in our 'Form of Ordination, where the Archdeacon's Office is to present the persons that are apt and meet'. (*Cod.* 147 : BURN's *Eccles. L. Phil.* III. 50.). In modern times it has been usual for this function to devolve upon the Bishop's deputy especially appointed for the purpose, and known as the *Examining Chaplain*.

In the old *Canon law* it was directed—'When the Bishop intends to hold an Ordination, all who are desirous to be admitted into the Ministry, are to appear on the fourth day before the Ordination; and then the Bishop shall appoint some of the Priests attending him, and others skilled in the Divine law, and exercised in the Ecclesiastical sanctions, who shall diligently examine the life, age, and Title of the persons to be ordained; at what place they had their education; whether they be well learned; whether they be instructed in the law of God. And they shall diligently be examined for *three days* successively; and so, on the *Saturday*, they who are approved shall be presented to the Bishop.' (*Distinct.* 24. c. 5.)—BURN's *Eccles. L. Phil.* III. 50.

The *Royal Commission* issued at the beginning of the reign of EDWARD VI. A. D. 1546. gave orders—'Ne quem ullo tempore unquam ad Sacros Ordines promoveas, vel ad curam animarum gerendam quovis modo admittas, nisi eos duntaxat quos et tanti et tam venerabilis officii functionem, vitæ et morum integritas, certissimis testimoniis approbata, literarum scientia et aliæ qualitates requisitæ ad hoc habiles et idoneos clare et luculenter ostenderit et declaraverint.'—CARDWELL'S *Doc. Ann.* I. 3..

Later *Injunctions* of Edward VI. (A. D. 1547) admitted a knowledge of the Scriptures to be a sufficient qualification: thus—'They should not give Orders to any person, but such as were learned in Holy Scripture; neither should deny them to such as were learned in the same, being of honest conversation or living.'—(HEYLYN'S *Hist. of Ref.* Vol. I. 75. E. H. S.)

To check the increasing laxity in this respect, ABP. WHITGIFT (in 1583) issued a stringent injunction, which is similar in its requirements to the subsequent CANON (the 34th of A. D. 1603-4. see p. 26.). At a later date (A. D. 1685.) ABP. SANCROFT, and the Bishops of his province, agreed—'That they will ordain no man Deacon or Priest, who hath not taken some degree of School in one of the Universities of this Realm, unless the Archbishop in some extraordinary case, and upon the express desire and request of the Bishop ordaining, shall think fit to dispense with this particular, the person, so to be dispensed with, being in all things else qualified, as the said 34th CANON requires.'—CARDWELL'S *Doc. Ann.* II. 304. (See also *ib.* I. 414.)

ABP. TENISON also enjoined (in A. D. 1695)—'That you Ordain no man Deacon or Priest, who hath not taken some degree in School in one of the Universities of this Realm, unless in some extraordinary case.'—(*ib.* II. 337.).

## THE NECESSARY PAPERS.

IMMEDIATELY after receiving a communication from the Bishop accepting you as a Candidate for Holy Orders, procure the *seven* (or *eight*) Papers following, which you are to forward to the Bishop *personally*, or to his *Secretary*, as you may be directed.

1. Your NOMINATION to the Curacy.
2. A *Certificate* of your BAPTISM.
3. A *Certificate* from the Divinity Professor of your University, that you have duly attended his LECTURES.
4. *If of Cambridge*, a *Certificate* of having passed the VOLUNTARY THEOLOGICAL EXAMINATION.
5. LETTERS TESTIMONIAL from your *College*.
6. LETTERS TESTIMONIAL from three beneficed *Clergymen*.
7. Your 'SI QUIS.'
8. If you have proceeded in any other *Faculty* than that of 'Arts,' you must be provided with a CERTIFICATE of your having kept the required '*Exercises*,' attested by the Regius Professor of that Faculty.\*

\* \* These '*Papers*' are necessary in order to satisfy the requirements of the 34th CANON ; thus :—

'No Bishop shall henceforth admit any person into Sacred Orders, which is not of his own Diocese, except he be either of one of the *Universities* of this Realm, or except he shall bring *Letters Dimissory* (so termed) from the Bishop of whose Diocese he is ; and, desiring to be a DEACON, is 23 years old ; and to be a PRIEST, 24 years complete ; and hath taken some *Degree* of School in either of the said Universities ; or at the least, except he be able to yield an account of his faith in *Latin*, according to the *Articles of Religion* (the XXXIX)...and to confirm the

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\* The BP. OF CHICHESTER (*Dr. Gilbert*) requires Candidates for Holy Orders,—who have *not passed* the Voluntary Theological Examination, if of *Cambridge* ; or who have attended *only two courses* of Divinity Lectures, if of *Oxford* ;—to have resided one year, and obtained a Certificate, at the *Theological College*, at *Chichester*, or at that at *Wells* ; otherwise, they will have to continue *two years* at least in the Order of *Deacons*.

LITERATES are also expected by certain Bishops to have attended one or other of the *Diocesan Theological Colleges* before becoming Candidates for Holy Orders.

‘same by sufficient testimonies out of the Holy Scriptures; and  
 ‘except moreover he shall then exhibit *Letters Testimonial* of  
 ‘his good life and conversation, under the seal of some *College*  
 ‘of Cambridge or Oxford, where before he remained, or of *three*  
 ‘or *four* grave *Ministers*, together with the subscription and  
 ‘testimony of other credible persons, who have known his life  
 ‘and behaviour by the space of *three years next before*.’—  
 CANON 34.

ABP. SANCROFT attached the following *Note* in MS. to the  
 ‘*Articles* for the better regulation of Ordinations, &c.’ agreed upon  
 in 1685.—viz. ‘In Ordination of Ministers three things required  
 ‘(1) *μαρτυρία*; 1 *Tim.* iii. 7. good Testimonials. (2) *δοκιμασία*;  
 ‘*ib.* Examination. (3) *χειροθεσία*; 1 *Tim.* iv. 14. Imposition of  
 ‘hands.’—CARDWELL’S *Doc. Ann.* II. 303. n.

## I. The Nomination.

The NOMINATION to the Curacy serving as your  
 ‘*Title for Orders*,’ and in virtue of which you are  
*ordained*, is usually written in the following Form.  
 It may sometimes be well for you to propose making  
 a transcript of this yourself, in order to relieve an  
 Incumbent, overwhelmed with engagements, of the  
 trouble of so much ‘set’ writing: leaving *blanks*, of  
 course, in such parts as require his own filling up,  
 and his attesting signature:—

### (a) FORM OF NOMINATION FOR A TITLE,

(Where the Incumbent is Resident).

‘To the Right Reverend A \* \* \*, Lord Bishop of ———.

‘These are to certify your Lordship, that I, A \* \* \* B \* \* \*,  
 ‘*Vicar*, (*Rector*, or *Perpetual Curate*, as the case may be),  
 ‘of ———, in the County of ———, and in your Lordship’s  
 ‘*Diocese* of ———, do hereby nominate, and appoint C \* \* \*  
 ‘D \* \* \*, *Bachelor of Arts* (or *other degree*), of ——— *College*,  
 ‘*Cambridge* (or *Oxford*, &c.,) to perform the office of Curate in  
 ‘my Church of ———, aforesaid; and do promise to allow him  
 ‘the yearly Stipend of ——— pounds, to be paid by equal quar-  
 ‘terly payments, for his maintenance in the same, and I do  
 ‘hereby state that the said C \* \* \* D \* \* \* intends to reside

'in the said Parish† (if *not*, say where), in a house, situate in ——— Street, (or, *as the case may be*), distant from my Church about ——— mile: and that the said C\*\*\* D\*\*\* does not intend to serve, as Curate in any other Parish, nor to officiate in any other Church or Chapel.' (if *otherwise*, state the fact.).

(What follows, with the exception of the attesting clause, is only added when a TITLE is given).

['And I do hereby promise, and engage with your Lordship, and the said C\*\*\* D\*\*\*, that I will continue to employ the said C\*\*\* D\*\*\*, in the office of Curate in my said Church, until he shall be otherwise provided of some Ecclesiastical preferment;\* unless, for any fault by him committed, he shall be lawfully removed from the same; and I hereby solemnly declare that I do not fraudulently give this Certificate to entitle the said C\*\*\* D\*\*\* to receive Holy Orders, but with a real intention to employ him in my said Church, according to what is before expressed.']

'Witness my hand this ——— day of ———, in the year of our Lord, one thousand, eight hundred, and fifty——

'A\*\*\* B\*\*\*, Vicar of——,'

(Signature, and Address.)

'Cambridgeshire.'

(At the foot of the above, annex this '*Declaration*,' as required by 1 & 2 Vict. c. 106. s. 81.).

'We, the before-named A\*\*\* B\*\*\*, and C\*\*\* D\*\*\*, do declare to the said Lord Bishop of ———, as follows; namely, I, the said A\*\*\* B\*\*\*, do declare that I *bonâ fide* intend to pay, and I, the said C\*\*\* D\*\*\*, do declare that I *bonâ fide* intend to receive, the whole actual Stipend mentioned in the foregoing Nomination, and statement, without any deduction or reservation whatsoever.'

'Witness our hands this ——— day of ———, in the year of our Lord, one thousand, eight hundred, and fifty——.

'A\*\*\* B\*\*\*,'

(Signatures.)

'C\*\*\* D\*\*\*,'

† As required by 1 & 2 Vict. c. 106. s. 76. All the *Statute Laws* bearing upon the subject of '*Nominations*,' will be found under the "LEGAL ENACTMENTS affecting the STIPENDIARY CURATE," *postea*. See "CONTENTS."

\* This clause in *Italic Letters* must not be considered in the light of a mere *formula*; since a court of law could compel an Incumbent, subscribing such a '*Nomination*,' to fulfil the engage-

(b) The FORM OF NOMINATION to a Curacy when *no Title is given*, is the same as the above (a), when the Incumbent is *resident*; and as below (c) when the Incumbent is *non-resident*; with the omission however in such cases of the clause appertaining only to a 'Title' as there specified.

(c) FORM OF NOMINATION FOR A TITLE.

(Where the Incumbent is Non-resident).

'To the Right Reverend A \* \* \*, Lord Bishop of —.

'These are to certify your Lordship, that I, A \* \* \* B \* \* \*  
'Vicar, (Rector, or *Perpetual Curate*) of —, in the County  
'of —, and in your Lordship's Diocese of —, do hereby nomi-  
'nate C \* \* \* D \* \* \*, *Bachelor of Arts*, (or *other degree*)  
'of — *College, Cambridge, (or Oxford, &c.)* to perform the office  
'of Curate in my Church of —, aforesaid, and do promise to  
'allow him the yearly Stipend of — pounds, to be paid him by  
'equal quarterly payments, *with the Surplice fees, amounting on*  
'*an average to — pounds, per annum, (if allowed); and the use*  
'*of the Glebe house, garden, and offices, free from all rates, taxes,*  
'*and other charges, which he is to occupy*': (if otherwise, *state*  
*in what manner, or why* the Glebe house, garden, &c. are un-  
occupied; and where, and at what distance from the Church, the  
Curate intends to reside). 'And I do hereby state to your  
'Lordship, that the said C \* \* \* D \* \* \* does not intend to serve  
'as Curate in any other Parish, nor to officiate in any other  
'Church or Chapel, (if otherwise, *state it*); that the net annual  
'value of my said Benefice, estimated according to 1 & 2 *Victoria*,  
'c. 106. ss. 8. 10., is — pounds, and the Population thereof  
'according to the last Census, (or, *as stated in the Clergy List for*  
'18—), made under the authority of Parliament, is —. That

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ment embodied in this specific clause, should he attempt to evade it. Still, by the expression, '*until he shall be otherwise provided of some Ecclesiastical preferment*,' it is to be understood, that a Curacy as well as a Benefice is implied, although such is not the ordinary meaning of the phrase, '*Ecclesiastical preferment*.' The above opinions are maintained by many learned advocates of Doctors' Commons. A few recent cases, and opinions of Counsel relating to them, have been communicated to the Author, which will be adverted to hereafter.

'there is only *one Church* belonging to my said Benefice, (*if more, state it*), and that I was admitted to the said Benefice on the — day of —, 18—.'

(*What follows, with the exception of the attesting clause, is only added when a TITLE is given.*)

['And I do hereby promise, and engage with your Lordship, and the said C \* \* \* D \* \* \*, that I will continue to employ the said C \* \* \* D \* \* \* in the office of Curate in my said Church, *until he shall be otherwise provided of some Ecclesiastical preferment,\** unless, for any fault by him committed, he shall be lawfully removed from the same; and I hereby solemnly declare, that I do not fraudulently give this Certificate to entitle the said C \* \* \* D \* \* \*, to receive Holy Orders, but with a real intention to employ him in my said Church, according to what is before expressed.']

'Witness my hand this — day of —, in the year of our Lord one thousand, eight hundred, and *fifty*—.

'A \* \* \* B \* \* \* Vicar of —,'

(Signature, & Address)

'*Cambridgeshire.*'

(At the foot of the above, annex this '*Declaration*,' as required by 1 & 2 Vict. c. 106. s. 81.)

'We, the before-named A \* \* \* B \* \* \*, and C \* \* \* D \* \* \*, do declare to the said Lord Bishop of —, as follows; namely, I the said A \* \* \* B \* \* \*, do declare that I *bonâ fide* intend to *pay*, and I the said C \* \* \* D \* \* \* do declare that I *bonâ fide* intend to *receive*, the whole actual Stipend mentioned in the foregoing Nomination, and statement, without any abatement *in respect of rent, or consideration for the use of the Glebe house, garden, and offices, thereby agreed to be assigned*, (if this be the fact), and *without any other deduction or reservation whatsoever.*

'Witness our hands this — day of —, in the year of our Lord one thousand, eight hundred, and *fifty*—.

'A \* \* \* B \* \* \*.'

(Signatures.)

'C \* \* \* D \* \* \*.'

## II. *Certificate of Baptism.*

Obtain from the Clergyman of the Parish in which you were baptized, a *certified copy* of your

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\* See *Note*\* page 28.

BAPTISMAL REGISTER as proof of your *age*: the expence of which will be half-a-crown. In case there should be a change in the Incumbency there, you may direct your application "*To the Officiating Minister.*" Should you not be able to procure such Certificate, it will be necessary, in order to meet the requirements of the *Canon*, and the *Statute Law* (as quoted above), that one of your Parents, or some other competent person, should make a *Declaration* of the actual time of your *birth*, before a Justice of the Peace; and such Justice will furnish you with a Certificate of the *affidavit*, then made before him.

\*. \* Formerly, as now, the *Baptismal Register* did not always afford the necessary information, as we find from the Articles of ABP. SANCROFT in 1685, where it was agreed by the Bishops—'That they will henceforth ordain no man... unless the *Canonical Age* be, either by an extract out of the *Register Book* of the Parish, where the person to be ordained was born, under the hands of the Minister and Churchwardens there; or, if no Register be kept or found there, by some other means sufficiently attested.'—CARDWELL'S *Doc. Ann.* ii. 304.

### III. *Divinity Lectures.*

Apply to the Divinity Professor of your University for a *Certificate* in attestation of your having duly attended his Lectures.

### IV. *Theological Certificate.*

If you are of the University of Cambridge, request of the Examiners at the '*Voluntary Theological Examination*' a *Certificate* that you have satisfactorily passed that Examination. The Examiners are, as you must be aware, the Regius Professor of Divinity, the Margaret Professor of Divinity, &c.

### V. *College-Testimonials.*

Should you not have left the University more than *three years*, you must procure LETTERS TESTIMONIAL from the Master, and Fellows of your *College*,

bearing evidence of your good life and conversation during your University career, in accordance with *Canon* 34. (above quoted.) This document, having the College *seal* attached to it, will be furnished you, generally speaking, gratuitously. There are some Colleges, however, who make a charge of *one guinea* for this instrument. It is usually in the following form :—

(*Form of College Testimonials.*)

‘We, the Master and Fellows of — *College, Cambridge*, do hereby testify that *C \* \* \* D \* \* \**, *Bachelor of Arts*, of this College, whose life and behaviour we have known for the space of three years last past, is a person of good life, and conversation.’

‘Given under the Seal of our College the — day of —, in the year of our Lord one thousand, eight hundred, and *fifty*—.’

‘*E \* \* \* F \* \* \**’

‘*G \* \* \* H \* \* \**’

(Signatures.)

‘*I \* \* \* K \* \* \**’

‘*L \* \* \* M \* \* \**’

\* \* The 34th CANON only imposes the *Seal* of the College to be affixed to such *Testimonial*, but modern usage attaches the *Signatures* also.

ABP. WHITGIFT (in 1583) required that a Candidate should ‘bring a sufficient *Testimonial* with him of his honest life and conversation, either under the *Seal* of some Colledge in the Universities, where he hath remayned, or from some Justice of the Peace, with other honest men of that Parish, where he hath made his abode for 3 years before.’—CARDWELL’S *Doc. Ana.* i. 414; (see also *ib.* 423).

In the *Articuli pro Clero* (A. D. 1584), and the *Constitutions* of 1597, it was ordered—‘Ac ulterius, de vita sua laudabili, et morum integritate *Literas Testimoniales* sub sigillo vel alicujus Collegii Cantabrigiensis aut Oxoniensis, ubi antea moram fecerit, vel alicujus Justiciarii ad pacem Dominæ Reginæ conservandam assignati, una cum subscriptione et Testimonio aliorum proborum et fide dignorum hominum ejusdem Parœciæ, ubi per tres annos ante proxime elapsos commoratus est, exhibeat.’—SPARROW’S *Coll.* p. 193. 245. Ed. 1684. 4to.

ABP. WAKE was more strict in his requirements, he enjoined in addition to the *Seal* of the College, the *Signatures* of the Head, the Dean, and the Tutor—(1716)—‘That in all *Testimonials* sent from any College or Hall in either of the Universities, you expect, that they be signed, as well as sealed; and that among the persons signing, the Governor of such College or Hall, or in his absence, the next person under such Governor, with the Dean, or Reader of Divinity, and the Tutor of the person to whom the *Testimonial*



'is granted (such Tutor being in the College, and such person 'being under the degree of M.A.), do subscribe their names.'—  
CARDWELL'S *Doc. Ann.* II. 369; BURN'S *Eccl. L. Phil.* III. 63. 66.

## VI. *Letters Testimonial.*

In addition to the *College Testimonials*, if you have quitted the University *more than two or three years*, it will be incumbent upon you to provide **LETTERS TESTIMONIAL** from three *Beneficed Clergymen*, to whom for the years since then you have been *personally* known. This is directed by Canon 34, above; and by the statute, 13 *Eliz. c. 12. s. 5.* (See *Testimonials* under 'LEGAL ENACTMENTS.')

Many Bishops require 'LETTERS TESTIMONIAL' from three *Beneficed Clergymen* if but a *twelvemonth*, or even a shorter period, has transpired between residence at College and Ordination. If you have *never graduated* at one of the Universities, nor *matriculated* at any Theological, or other *College*, this Testimonial will be indispensable. It is usually in the Form annexed; which, for the convenience of the subscribing parties, you may, if requested, transcribe; and then present it for their perusal, and attestation.

### *The Testimonial of Three Beneficed Clergymen.\**

'To the Right Reverend A \* \* \*, Lord Bishop of —.'

'Whereas, our well-beloved in Christ, C \* \* \* D \* \* \*  
'B.A. of — *College, Cambridge*, (or *otherwise*) hath declared to us  
'his intention of offering himself a Candidate for the sacred office  
'of a *Deacon*, and for that end hath requested of us Letters  
'Testimonial of his learning, and good behaviour; we therefore  
'whose names are hereunto subscribed, do testify that the said

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\* The Bishops generally prefer the testimony of those Incumbents who have been some time beneficed, and have been a long period in their Diocese.

‘C \* \* \* D \* \* \*’, having been *personally known* to us for the ‘space of *three years* (or as the case may be) last past; that we ‘have had opportunities of observing his conduct; that during the ‘whole of that time, we verily believe that he lived piously, soberly, ‘and honestly; and diligently applied himself to his studies; nor ‘have we at any time heard anything to the contrary thereof; nor ‘hath he at any time, so far as we know or believe, held, written, ‘or taught, anything contrary to the doctrine or discipline of the ‘United Church of England and Ireland; and moreover we ‘believe him, in our consciences, to be a person worthy to be ‘admitted to the sacred order of *Deacon*.’

‘In witness whereof we have hereunto subscribed our names ‘this ——— day of ———, in the year of our Lord, one thousand, ‘eight hundred, and *fifty* —’.

‘E \* \* \* F \* \* \*’, Vicar of ———.’

(Signatures, & Address.) ‘G \* \* \* H \* \* \*’, Vicar of ———.’

‘I \* \* \* J \* \* \*’, Rector of ———.’

\* \* Should these Clergymen, or any one of them, reside in a different Diocese from that for which this Testimonial is required, it must be forwarded to the Bishop of such different Diocese for his *Counter-signature* in attestation of the Signature, and identity of the subscribing Clergyman. The *Incumbent* giving the Title is not expected to attest this Testimonial.

*Testimonials* as to good life and conversation have always been considered of great importance, and indeed to be indispensable; as we may gather from the following documents:—

By a Constitution of *Otho*, it was enjoined—‘Seeing it is dangerous to ordain persons unworthy, void of understanding, illegitimate, irregular, and illiterate; we do decree, that before the ‘conferring of Orders by the Bishop, strict search and inquiry be ‘made of all these things.’ (*Athon.* 16.)—BURN’S *Eccl. L. Phil.* III. 47; STEPHEN’S *Laws Rel. to the Clergy*, 829.

By a Constitution of ABP. REYNOLDS, ‘No Simoniack, homicide, ‘persons excommunicate, usurer, sacrilegious person, incendiary, ‘or falsifier, nor any other having Canonical impediment, shall be ‘admitted into Holy Orders.’ (*Lynd.* 33.)—BURN’S *ib.* III. 48; STEPHEN’S *Laws Rel. to the Clergy*, 830.

ABP. SANCROFT, and the Bishops of his province agreed (in 1685)—‘That they will ordain none but such, as either have lived ‘within their respective Dioceses for the 3 years last past, and are ‘upon their personal knowledge, or by the testimony of *three* of the ‘neighbouring Ministers, whom they think fit to rely upon, found ‘to be worthy of what they pretend to, or else do exhibit sufficient and authentic testimony thereof from the Bishop or Bishops, ‘within whose jurisdiction they have resided for the 3 last years,

'or from some *College* in one of the Universities, in which they are, 'or lately have been gremials; to the end, that there may be (by one 'or more of these methods) sufficient moral assurance to the Bishop, 'by competent witnesses, of the good life and conversation of the 'persons to be ordained, for full 3 years last past, as the said 'CANON requires.'—CARDWELL'S *Doc. Ann.* II. 304.

In the *Royal Injunctions* of WILLIAM III. A. D. 1694, it was ordered—'That the Bishops lay it on the consciences of the Clergy 'that they sign no *Certificates*, unless, upon their own knowledge, 'they judge the persons to be duly qualified.'—(*ib.* II. 331.)

ABP. TENISON directed the Bishops (A. D. 1695)—'That you 'accept of no '*Letters Testimonial*' brought by persons to be 'ordained, unless there be a clause inserted in them by the testi- 'fiers to this effect: that they believe them to be qualified for that 'Order, into which they desire to be admitted.'—(*ib.* 337.)

ABP. WAKE required of the Bishops (A. D. 1716)—'That you 'admit no '*Letters Testimonial*' on any occasion whatsoever, 'unless it be therein expressed, for what particular end and design 'such Letters are granted; nor unless it be declared by those who 'shall sign them, that they have personally known the life and 'behaviour of the person for the time by them certified; and do 'believe in their conscience that he is qualified for that order, 'office, or employment, to which he desires to be admitted.'—(*ib.* 369; and BURN'S *Eccle. L. Phil.* III. 63.)

DR. BURN remarks on this Injunction of ABP. WAKE'S, and on the one quoted in p. 32, respecting *College Testimonials*, that 'they 'are supplementary to CANON 34; and for their obligation do 'depend on these Injunctions, and not on any fixed Law; and 'therefore may be varied from time to time, as the Archbishops 'and Bishops shall see cause.'—(*ib.* III. 67.)

The observations of ARCHDEACON SHARP with respect to attesting the *Testimonials* required by the 34th CANON are valuable:—

ARCHDEACON SHARP says—'A sham *Testimonial* of life and 'manners doth not only deceive the Bishop, in a point of the nicest 'concernment, both with regard to his office and his reputation; 'but does an injury to the Church itself, and affects the interests 'and credit of the Ministry at large.... To attest worthy characters 'of unworthy persons, in order to bring them into a situation where 'they may expose themselves and their function, do public mis- 'chief, and give open scandal, is destitute of any justifiable 'pretence; and I wish I could add it were equally destitute of any 'precedent.... It is commonly thought if a *Testimonial* be signed 'by three Clergymen, especially if they be *Beneficed* men, it is 'sufficient. And it is so, on the Bishop's presumption, that the 'ends of the CANON are thereby fully answered. But the CANON 'is not thus worded. The attestation directed there is to be 'made by '*three or four grave Ministers*'; and I know not 'what that epithet means in this place, unless it be to dis- 'tinguish and denote such men as are proof against light and 'unseasonable compliances, too discreet to give *Testimonials* 'without sufficient assurance of what they sign, and too honest 'to prevaricate in the least in an act of so solemn a nature.'

(p. 111, 112.)—After speaking of the testimony of the Clergy in these Certificates being uncalled for prior to the CANONS of 1603-4, as may be gathered from the *Articuli pro Clero* in 1584, and the *Constitutions* of 1597 (*supra*. p. 32), he adds—‘As a further mark of the trust reposed in them alone, the *lay-subscriptions* appointed by the CANON are hardly ever insisted upon; but *three or four Beneficed Clergymen* give a Testimonial its whole weight and strength. So that it hath all the value and effect from passing through their hands only, that a whole College in the University can give to a Testimonial of one of their own members. (p. 113.)....What could satisfy the Bishops in generally waiving the *lay-subscriptions*, but a belief or persuasion that the Clergy would act with more care, concern, and attention in this matter, would be more fearful of imposing upon the Ordinary, more cautious in admitting men of suspected characters into the Church, and every way more circumspect and more delicate in the execution of this trust, than other persons could ordinarily be supposed to be. (p. 114.)....I apprehend the word ‘*qualified*’ ought to be limited to, and understood only of the subject matter of the ‘*Testimonial*,’ which is a person’s moral behaviour; and that all the other senses of ‘*qualified*’ are dispensed with, provided he that certifies doth not know of, or hath not reason to suspect, any disqualifying objections that lie against him. (p. 116.)....I imagine they (the Clergy) are better judges of a man’s moral character by report or inquiry among their neighbours, than by what they can be supposed to observe in their own persons. For any material defects in a man’s conduct are not so likely to fall directly under their cognizance....And though it is highly proper and fitting, that they should have some personal knowledge too of the man whose conversation they attest, to confirm and correspond with what they take upon report; yet it seems no more necessary that their acquaintance should be intimate and familiar, or that they should be ocular witnesses of what they certify to render them competent ones, than that their ‘*Testimonial*’ should be infallible in order to render it unexceptionable (p. 117.)....We are under no *legal* obligation to give them (these *Certificates*), for it is a voluntary act. But yet the claim upon us is sometimes so strong, as to become a debt which we cannot with reason and justice refuse to discharge.... Now though you cannot certify for a *Stranger*, because it must always be presumed that what you attest comes some way within the compass of your knowledge; neither can you certify for one that you are apprized hath any stain upon his character; because you cannot do it without a secret reservation or concealment of what, if known, would taint and spoil your testimony; (and in such case you will abundantly favour the person that asks your hand, by being quite passive and neuter in the matter); yet if your situation and acquaintances give you an opportunity of knowing, either by observation, or report from such as you do usually give credit to, that a man’s conversation is in the main irreproachable; that he hath lived peaceably, soberly, and modestly in your neighbourhood, without any untoward surmises that might render him obnoxious to the Bishop; or which, if proved true, would be a bar to his admission into Orders; I say, in this case, you may not only very honestly and very safely, but you are bound to give him your suffrage, and to bear witness in his favour.’ (p. 118.)—*On Rubric & Canons*, Charge, A. D. 1741.

The late BISHOP OF NORWICH (*Dr. Stanley*) observed—‘In addition to the usual *Testimonials* required of Candidates for Ordination, I have further required from each Clergyman signing such *TESTIMONIALS*, a *private letter*, stating what opportunities he had of personal acquaintance and knowledge of the Candidate’s character and habits of life. I was induced to resort to this plan, from having frequently, during my professional experience, seen cause to lament the facility with which *Testimonials* were obtained, and signatures affixed, as mere matter of form, in some cases coming under my own immediate observation, in favour of individuals whose characters were in every way exceptionable. Bear then in mind, My Reverend Brethren, how much the very respectability of our profession depends, not on formal, but *bonâ fide Testimonials*. . . . Many who might have felt a difficulty in declining to sign an accustomed document, would gladly avail themselves of the reason to refuse this, which the condition of writing a *private letter* (entering into details not required in the formal *Testimonials*) afforded.’—*Charge* 1845.

## VII. The ‘*Si quis*.’

This is a *Certificate* of publication having been made in the Church of the Parish in which you usually reside, of your design to enter into Holy Orders. It is so called from the expression ‘*If any person*,’ of which ‘*Si quis*’ is the Latin, occurring in the Form adopted. It must be signed by the *Officiating Minister* who publicly reads the same, and by the *Churchwardens*, or others, who can bear testimony to that reading. It is in this form:—

### FORM OF THE ‘*Si quis*’.

‘Notice is hereby given, that C \* \* \* D \* \* \*, *Bachelor of Arts*, (or *other degree*), of — College, Cambridge, (or *otherwise*) and now resident in this Parish, intends to offer himself a Candidate for the holy office of a *Deacon*, at the ensuing Ordination of the Lord Bishop of —; and if any person (*‘si quis’*) knows any just cause or impediment, for which he should not be admitted into Holy Orders, he is now to declare the same, or to signify the same by Letter forthwith to the Lord Bishop of —’.

(*Here follows the attesting clause as below.*)

‘We do hereby certify that the above Notice was publicly read by the undersigned A \* \* \* B \* \* \*, in the Parish

'Church of ———, in the county of ———, during the time of  
'Divine Service, on Sunday, the ——— day of ——— last (or  
'*instant*), and no impediment was alleged.'

'Witness our hands this ——— day of ———, in the year of  
'our Lord, 18 —.'

'A \* \* \* B \* \* \*, *Officiating Minister.*'

'E \* \* \* F \* \* \*, } *Churchwardens.*'

'G \* \* \* H \* \* \*, }

\*. \* If any Impediment should be alleged, the *Officiating Minister*, who read the 'Si QUIS,' must by letter immediately intimate the same to the Bishop.

In the *Injunctions* of ELIZABETH, A. D. 1559; and in the *Book of Advertisements*, A. D. 1564, it was required—  
'Against the day of ordering appointed, to give open recognitions  
'to all men, to except against such whom they know to be not  
'worthy, either for life or conversation.'—CARDWELL'S *Doc. Ann.* I. 206. 293.

ABP. SANCROFT, and the Bishops, in 1685, issued like directions (see page 18.). Subsequently ABP. TENISON enjoined—'That  
'as soon as any apply to you for Holy Orders, you give timely  
'notice of this at the place where the person resides, or lately  
'resided, that so the exceptions against him (if any such there be)  
'may come timely to your knowledge.'—(*ib.* II. 337.)

ABP. WAKE required, A. D. 1716.—'That you admit not any  
'person to Holy Orders, who having resided any considerable  
'time out of the University, does not send to you, with his  
'Testimonial, a *Certificate* signed by the Minister and other  
'credible inhabitants of the Parish where he so resided, expressing,  
'that *Notice* was given in the Church in time of Divine Service  
'on some Sunday, at least a month before the day of Ordination,  
'of his intention to offer himself to be ordained at such a time; to  
'the end that any person, who knows any impediment, or notable  
'crime, for the which he ought not to be ordained, may have  
'opportunity to make his objections against him.'—(*ib.* II. 369.)

The exceptions and objections were then made directly to the Bishop: they are now usually made through the parties signing the *Certificate*.—(BURN'S *Eccle. L. Phil.* III. 65.)

The several *Papers* above described should be collected together, and forwarded to the Bishop, or his Secretary, as you may have been directed. After which, if they prove satisfactory, you will receive intimation from the Bishop's Secretary in respect of the time, and place of your *Examination*, after the manner following:—

'London, May 24, 1852.

'Sir,

'I am desired by the Lord Bishop of —, to request that you will attend at the Palace, —, on *Tuesday* next, the — day of —, at 10 o'clock in the forenoon, for Examination for Holy Orders.'

'I am, Sir,

'Your most obedient servant,

'S \* \* \* Y \* \* \*, Secretary.'

'To C \* \* \* D \* \* \*, Esq.'

In accordance with these instructions, you will proceed thither at the time appointed, provided (in some Dioceses) with your *Gown*, and *Bands*; where you will be received by the Bishop's Chaplain, and assigned your requisite task. The *Examination* will last three or four days, and at the conclusion, after a few remarks, probably, upon the manner in which you have acquitted yourself, you will be further instructed as to the time, and place of your *Ordination* on the Sunday, or Holy-Day, following.

The usual costume at the time of Ordination consists of the *Gown*, *Bands*, and the *Hood* agreeable to your Degree (CANON 25); frequently the *Surplice* is adopted; in the latter case, this will be provided for you at the Cathedral, for the use of which the Verger in waiting will expect some trifling gratuity, such as half-a-crown, or so.

## TIMES OF ORDINATION.

The general seasons for ORDINATION are the Sundays following the *Ember Weeks*, as appointed in the 31st Canon, thus:—

'Forasmuch as the ancient Fathers of the Church, led by example of the Apostles, appointed prayers and fasts to be used at the solemn *Ordering of Ministers*; and to that purpose allotted certain times, in which only Sacred Orders might be given or conferred; we, following their holy and religious example, do constitute and decree, that no DEACONS or Ministers be made and ordained, but only upon the Sundays immediately following *Jejunia quatuor temporum*, commonly

‘called *Ember Weeks*, appointed in ancient time for prayer and fasting, (purposely for this cause at their first institution), and so continued at this day in the Church of England ; so that this he done in the Cathedral or Parish Church where the Bishop resideth, and in the time of Divine Service, in the presence not only of the Archdeacon, but of the Dean and two Prebendaries at the least, or (if they shall happen by any lawful cause to be let or hindered) in the presence of four other grave persons, being Masters of Arts at the least, and allowed for public Preachers.’—CANON 31.

The Bishops, however, do not all confine themselves to these seasons. Some, in accordance with the option allowed in the *Preface* to the ORDINATION SERVICE, hold their Ordinations on *other Sundays*, or *Holy-Days*, as occasion may require. The *Preface* thus reads :

‘And the Bishop knowing by himself, or by sufficient testimony, any person to be a man of virtuous conversation, and without crime, and after examination and trial finding him learned in the Latin Tongue, and sufficiently instructed in Holy Scripture, may at the times appointed in the CANON, or else upon urgent occasion on some other Sunday, or Holy-Day, in the face of the Church admit him a Deacon, in such manner and form’ &c—*Book of Com. Pr.* 1552—1662. (KEELING, 365.).

Upon this subject we may offer a few historical evidences, and opinions ; which will be found, however, to advocate the seasons appointed by the CANON.

In 1584 in the time of ABP. WHITGIFT, among the ‘Articles,’ responded to by the Bishops was the following :—‘That none be made Minister but upon some Sunday publicly in the Cathedral Church of the Diocese, where the Minister is admitted.’—CARDWELL’S *Doc. Ann.* i. 423.

In 1660, at the Restoration, CHARLES II. declared :—‘Our will is that the great work of Ordination be constantly and solemnly performed by the Bishop and his aforesaid presbytery, at the four set times and seasons appointed by the Church for that purpose.’—(*ib.* ii. 244.)

In 1662. It was resolved in the Upper House of Convocation :—‘Quod nullæ Ordinationes Clericorum per aliquos Episcopos fierent nisi intra quatuor tempora, pro Ordinationibus assignata’—*Synodal.* 670.

In 1665. ABP. SHELDON directed—‘That in all things the CANONS concerning Ordination be duly, and punctually observed.’—*Doc. Ann.* ii. 272.

In 1685. ABP. SANCROFT required—‘That they will ordain no man, but upon the *Lords’ Days*, immediately following the *Jejunia quatuor temporum*,’ except he have a “faculty” to be



'ordained "*extra tempora*;" and such a "faculty," the Archbishop declares, he will not grant, but upon very urgent occasion.'—(*ib.* ii. 305.)

NICHOLLS (*ob.* 1712.), in his Notes to the Collect for the '*Fourth Sunday in Advent*,' observes:—'By the authority of the old Canonists (*Grat. Decret.* par. i. Dist. 27.) the ORDINATIONS of the Clergy were confined to the *Embers*; which was likewise confirmed by some of our English Councils: that of *Winton* held A.D. 1076: that of *Lambeth* under SIMON MEFHAM. A.D. 1237.'—*Com. Pr.* in loco....When commenting upon the *Preface* to the ORDINATION SERVICE, this author adds:—'That the ORDINATIONS were formerly made on *Sundays* (tho' at other times upon extraordinary occasions) may be learned from the ancient Ritualists....RUPERTUS (says) "the Ordination of Priests and Deacons is not performed indifferently on all days, but only after the end of *Saturday*, when *Sunday* begins." (*Rup. Abb. de Div. Off.* l. iii. c. 9.). But this was owing to a Constitution published by LEO, set down by IVO. *Decr.* l. iii. c. 13....'That which we know to have been diligently observed by our forefathers, we would have likewise observed by you, "that the Ordination of Priests and Deacons should not be celebrated indifferently upon any day; but after the end of *Saturday*, when *Sunday* begins, let them be chosen, i.e. be put under the rules of the Divine Office, of which those that are to be consecrated must receive the sacred Benediction *fasting*. The same will be observed, if on *Sunday* morning it be observed the *fast* being continued, the beginning of the preceding night being part of that day.... Therefore you will piously and laudably obey the Apostolical institutions....that the Benedictions be never given to those who are to be consecrated, but only on that day whereon the Lord arose (to which *Saturday* night belongs)." *Leon. Epist.* 81.—*Com. Prayer* in loco.

JOHNSON states:—'The Bishop, if he think fit, may ordain on any *Sunday*, or *Holy-Day*; but the times mentioned in the CANON, and referred to in the RUBRIC, are the *Sundays* next after the *Ember-Days*.'—*Vade Mecum.* p. 47. Ed. 1707.

WHEATLY (*ob.* 1742), when speaking of the *Ember-Weeks*, observes:—'At the first planting of the Gospel, *Orders* were conferred at any time, as there was occasion: but as soon as the Church was settled, the *Ordination of Ministers* was affixed to certain set times, which was the first original of these four weeks of *fasting*.... The reasons why the *Ordination* of Ministers is fixed to these set times of fasting are these: *first*, that as all men's souls are concerned in the ordaining a fit Clergy, so all may join in fasting and prayer for a blessing upon it: *secondly*, that both Bishops and Candidates, knowing the time, may prepare themselves for this great work: *thirdly*, that no vacancy may remain long unsupplied; *lastly*, that the people, knowing the times, may if they please, be present, either to approve the choice made by the Bishop, or to object against those whom they know to be unworthy; which primitive privilege is still reserved to the people in this well-constituted Church.' (p. 203.).... The same Author says elsewhere:—'It was an ancient custom of the Church in the *Ember-Weeks*, to have proper Services on the

'Wednesdays and Fridays, but especially on the *Saturdays*; when after a long continuance in prayer and *fasting*, they performed the solemnities of the *Ordination* either late on *Saturday Evening*, (which was then always looked upon as part of the Lord's Day), or else early on the Morning following.' (p. 239.)—*Rat. Ill. of Book of Com Prayer*.

The REV. J. C. ROBERTSON remarks:—'The notices of *Ordinations* which appear in our Newspapers and Magazines will not allow us to doubt that some of the Bishops of this day prefer irregular times to those appointed by the Prayer-Book for conferring *Holy Orders*. Surely there is much authority against this; nor can we suppose that such a practice does not cause something to be lost, by depriving the Ordaining Bishops and their Clergy of those intercessions which the Church desires her children to offer up, with fasting, in their behalf, at the stated seasons of Ordination.' (p. 268.)—*How shall we Conform to the Liturgy*.

### LETTERS DIMISSORY.

If it is indispensably necessary that you should be at your Curacy before the time of Ordination appointed by the Bishop of the Diocese in which such Curacy is situated arrives. The Bishop, upon sufficient reason being assigned by your Incumbent for the emergency, will, after due enquiry and examination as to your age, qualification, and abilities, grant you 'LETTERS DIMISSORY': i. e. a *Letter of Licence*, in virtue of which, another Bishop, whose Ordination takes place at an earlier period, will Ordain you on the Title you have obtained; but as his is merely the ministerial act of Ordination, this Bishop does not hold himself responsible for any defect in your qualification, or ability. You must bear in mind also, that the '*Letters Dimissory*' are not presentable to any Bishop, but only to the one specified therein, and to whom directed; under penalty of suspension, both of the Bishop Ordaining, and of the person so Ordained, until proper satisfaction be made.

'*Letters Dimissory*' are permitted by CANON 34, thus:—

'No Bishop shall henceforth admit any person into sacred *Orders*, which is not of his own Diocese, except he be either of one of the Universities of this Realm, or except he shall bring *Letters Dimissory* (so termed) from the Bishop of whose Diocese he is.'—CANON 34.

On this subject we have the following opinions to offer:—

\*In 1665. ABP. SHELDON was very particular in requiring the CANONS to be observed with respect to *Ordinations*: he enjoined:—‘That all and every the said Bishops within their several ‘Dioceses and jurisdictions be very careful what persons they ‘receive into the Ministry; and that none be admitted into *Holy Orders*, unless he bring with him *Letters Dimissory*, according to ‘the 34th CANON.’—CARDWELL’S *Doc. Ann.* II. 271.

In 1716. ABP. WAKE directed:—‘That you admit not any ‘person to Holy Orders upon *Letters Dimissory*, unless they are ‘granted by the Bishop himself, or Guardian of the spiritualities, ‘*sede vacante*; nor unless it be expressed in such *Letters*, that he ‘who grants them has fully satisfied himself of the Title, and conversation of the person, to whom the *Letter* is granted.’—*ib.* 370.

DR. BURN states on this subject:—‘In case of *Letters Dimissory*, the rule of the Canon Law is, that the Bishop whose business ‘it was to see that there was a good *Title*, shall be liable to the ‘penalty for a person ordained without sufficient *Title*, although ‘another Bishop ordained such person. (GIBBS. *Cod.* 141.)’—*Ecel. L. Phil.* III. 47. This passage from GIBSON, and likewise the rule of the Canon Law referred to (6 *Decret. l. 3. t. 4. c. 37.*) are quoted also in STEPHEN’S *L. Rel. to the Clergy.* p. 823. n.

## THE SUBSCRIPTION, AND DECLARATION,

### AT THE TIME OF ORDINATION.

ARRIVED in the Cathedral, or other appointed place: previous to the act of Ordination, you will have to *subscribe* in the presence of the Bishop, the following Declarations in respect of the *Articles*, and the *Liturgy*; and also take the *Oaths* of Allegiance, and Supremacy, in accordance with the *Statutes*, 13 *Eliz. c. 12. s. 5.*, as regards the ARTICLES;—and 13 & 14 *Car. II. c. 4., ss. 8—12.* as regards the LITURGY;—and 1 *Eliz. c. 1.*, and 1 *Will. & Mary, c. 8.*, as regards the OATHS.\*

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\* These *Statutes* are quoted in full in the Alphabetical Arrangement of the “LEGAL ENACTMENTS AFFECTING THE STIPENDIARY CURATE,” *postea*. See ‘CONTENTS.’

(Form of Subscription to the Articles.)

'I, C \* \* \* D \* \* \*, do willingly and from my heart  
(*ex animo*) subscribe to the XXXIX ARTICLES of Religion of the  
'United Church of England and Ireland, and to the THREE ARTI-  
'CLES in the *thirty-sixth* Canon; and to all things therein con-  
'tained.'

(Signature)

'C \* \* \* D \* \* \*.'

It has been thought right to annex the 36th CANON, which ought thoroughly to be understood by you; indeed, all the CANONS demand your very careful perusal, and consideration; for the Clergy of the Church of England are bound by the spirit of them, although not in all cases by the letter, as will be seen fully discussed at *page* 289. It is on this account that the *Bishop of London* requires that the CANONS be well studied by his Candidates before they present themselves to him for Ordination.

CANON 36. *Subscription required of such as are to be made Ministers.*

'No person shall hereafter be received into the Ministry, nor  
'either by institution or collation admitted to any Ecclesiastical  
'Living, nor suffered to preach, to catechize, or to be a Lecturer or  
'Reader of Divinity, in either University, or in any Cathedral or  
'Collegiate Church, City, or Market-town, Parish Church, Chapel,  
'or in any other place within this realm, except he be *licensed*  
'either by the Archbishop, or by the Bishop of the Diocese where  
'he is to be placed, under their hands and seals, or by one of the  
'two Universities under their seal likewise; and except he shall  
'*first subscribe* to these THREE ARTICLES following, in such manner  
'and sort as we have here appointed.

'I. That the *Queen's Majesty*, under God, is the only Supreme  
'Governor of this realm, and of all other her Highness's Dominions  
'and Countries, as well in all Spiritual or Ecclesiastical things or  
'causes, as Temporal: and that no foreign prince, person, prelate,  
'state, or potentate, hath, or ought to have, any jurisdiction,  
'power, superiority, pre-eminence, or authority, Ecclesiastical or  
'Spiritual, within her Majesty's said Realms, Dominions, and  
'Countries.

'II. That the *Book of Common Prayer*, and of Ordering of  
'Bishops, Priests, and Deacons, containeth in it nothing contrary to  
'the Word of God, and that it may lawfully so be used; and that  
'he himself will use the form in the said Book prescribed in Public  
'Prayer, and Administration of the Sacraments, and none other.

'III. That he alloweth the *Book of Articles of Religion* agreed  
'upon by the Archbishops and Bishops of both provinces, and the

‘whole Clergy in the Convocation holden at London in the year of our Lord God, 1562; and that he acknowledgeth all and every the Articles therein contained, being in number IX and XXX, besides the Ratification, to be agreeable to the Word of God.

‘To these three Articles, whosoever will subscribe, he shall, for the avoiding of all ambiguities, subscribe in this order and form of words, setting down both his Christian and Surname, viz,—

‘*I, N. N. do willingly and ex animo subscribe to these three Articles above mentioned, and to all things that are contained in them.*

‘And if any Bishop shall ordain, admit, or license any, as is aforesaid, except he first have subscribed in manner and form as here we have appointed, he shall be suspended from giving of Orders and Licences to preach for the space of twelve months. But if either of the Universities shall offend therein, we leave them to the danger of the law, and her Majesty’s censure.’—CAN. 36.

This is *confirmed* by the next CANON, which says:—‘None licensed, as is aforesaid, to Preach, Read, Lecture or Catechise, coming to reside in any Diocese, shall be permitted there to Preach, Read, Lecture, Catechize, or minister the Sacraments, or to execute any other Ecclesiastical function, by what authority soever he be thereunto admitted, unless he first *consent and subscribe to the THREE ARTICLES* before mentioned, in the presence of the Bishop of the Diocese, wherein he is to Preach, Read, Lecture, Catechize, or administer the Sacraments, as aforesaid.’—CANON 37.

“*Revolters after Subscription censured.*”—‘If any Minister after he hath once subscribed to the said *Three ARTICLES*, shall *omit to use* the Form of Prayer, or any of the Orders or Ceremonies prescribed in the Communion Book, let him be suspended: and if after a month he do not reform and submit himself, let him be excommunicated; and then if he shall not submit himself within the space of another month, let him be deposed from the Ministry.’—CANON 38.

With respect to the nature of this *Subscription* we may quote the opinions of a few old Divines.

BP. BURNET (*ob.* 1715) writes:—‘The 36th CANON is express for the Clergy, requiring them to subscribe willingly, and *ex animo*; and acknowledge all and every Article to be agreeable to the word of God: upon which CANON it is that the form of subscription runs in these words, which seem expressly to declare a man’s own opinion, and not a bare consent to an Article of peace, or an engagement to silence and submission.... The subscriptions of the Clergy must be considered as a declaration of their own opinion, and not as a bare obligation to silence.... Men have been left to subscribe the Articles according to their *literal and grammatical sense*.’ (p. 9, 10.). *Exposition of the XXXIX ARTICLES*, Introduction, Oxford Ed. 1831.

DR. NICHOLLS (*ob.* 1712), referring to the above opinion of Bp. Burnet’s, says:—‘I am not altogether different from his Lordship’s judgment in this matter, but I am not so well satisfied with the reason he grounds it upon. For *ex animo* in that place

‘does not signify ‘according to my opinion,’ or ‘as I firmly believe’; but ‘readily,’ or ‘heartily.’ For this form of ‘subscription is not a form for subscription to the XXXIX ARTICLES, but to the *Three Articles* contained in that CANON, which are not so much Articles of opinion as of consent, and the ‘subscription to them declares, not what the Subscriber believes, ‘but what he readily consents to; for when the Subscriber by the ‘2nd Article promises that he *will use the Book of Common Prayer*, ‘how can he be said to subscribe to this as his *opinion*? He ‘subscribes to this clause *ex animo*, because he *heartily* consents to ‘use this Book. But, besides, his Lordship is under some little ‘mistake to think, that *ex animo* does signify ‘according to a man’s ‘judgment or opinion.’ For, as far as I am able to observe, *ex animo* never signifies so in the Latin tongue unless joined with ‘the words *dicere, loqui* &c.... But when it is joined to words of ‘willing, wishing, loving, &c., it then signifies ‘readily,’ or ‘heartily.’... So that.... *Ex animo* must in this form of subscription signify *readily*. This may not be improper to be ‘observed; for the misunderstanding of this expression, in the ‘subscription form, may occasion some unreasonable scruples in ‘conscientious men, and keep some of the best men from entering ‘Holy Orders.’ (p. 4.)—*Comment. on First Sixteen Articles*, folio, A. D. 1712.

ARCHDEACON SHARP, observes:—‘The retaining the phrase ‘*ex animo* in our English Version of the CANON, either is an ‘argument that the translators were not clear how that expression ‘should be rendered; or at least its being not translated, as it ‘seems capable of two senses, leaves a doubt how it is to be precisely understood.’ (p. 122.)... After comparing the opinions of BP. BURNET, and DR. NICHOLLS, on this question, the ARCHDEACON appears to coincide with the former, saying:—‘*First*, ‘though it be only a formal Subscription to the *Three Articles* ‘expressed in the CANON, yet it is virtually a subscription to the ‘XXXIX.... So that whosoever subscribes to this “allowance and ‘acknowledgement,” doth in effect protest his real *belief*, or his ‘very persuasion, that they are so.... We shall make the Subscription, I fear, a very evasive and jesuitical business, if we ‘suppose it can be made without a well-grounded conviction of the ‘truth of what is subscribed.’ (In a *Note* is added here—‘The ‘Church of England requires subscription not to *Words*, but ‘*things*.’) ‘And then 2ndly, as to the phrase *ex animo*; though it ‘may signify no more than *readily*, when applied to subscribing, ‘considered merely as a voluntary act, as the signing of a deed or ‘instrument, subscribing to some charitable contribution, or the ‘like; yet where it is considered, as an expression and test of a ‘man’s sentiments and tenets, as it always is, when Subscription is ‘required to points of faith and doctrine, as a term of acceptance ‘of trusts and privileges, there it is evidently declarative of the ‘Subscriber’s opinion. And *ex animo*, as joined with *subscribere*, ‘so far as they relate to the XXXIX ARTICLES, are constructionally the same with, or tantamount to, *ex animo comprobare et agnoscere*, &c. which are the words to which the Subscription is ‘made. And then the phrase cannot be mistaken; and such words, ‘in our language, as are most expressive of a serious belief, or ‘conviction, as truly and sincerely allowing and acknowledging,

‘ will come more fully up to the meaning of the Subscription, than the word *readily*, notwithstanding its literal correspondence with *willingly*, which goes just before it. And then 3rdly, as to the last objection (of *Dr. Nicholls*), that *ex animo* cannot be construed of opinion or persuasion, with respect to the promise of Ministerial conformity; it is true, with regard to the practice, it expresseth only readiness or resolution. But must it therefore be so limited, as to mean nothing more with respect to doctrines and speculative propositions? Why may it not have a two-fold aspect, according to the respective subjects to which it is applied, and signify the sincerity of a Subscriber’s assent with regard to doctrinal points; and the sincerity of his purpose with regard to practical conformity?....From these observations, therefore I gather that neither hath BP. BURNET misrepresented the force and obligation of this subscription.’ (*p. 126—128.*)—*On the Rubric and Canons*, Charge, A. D. 1742. Oxford Ed. 1834.

### DECLARATION OF CONFORMITY.

YOU will next be required to make a *Declaration* of your Conformity to the BOOK OF COMMON PRAYER, in the form and manner following, and *subscribe* the same in the presence of the Bishop, (by 13 & 14 Car. II. c. 4. ss. 8—10.) thus:—

‘I, C\*\*\* D\*\*\*, Clerk, B. A., do declare that I will conform to the LITURGY of the United Church of England and Ireland, as it is now by Law established.’

(Signature)

‘C\*\*\* D\*\*\*.’

This *Declaration* you will also have to read publicly from the Reading Desk after Morning Prayer. Let me recommend this to be done on the first Sunday you officiate at your Curacy.

### THE OATHS

OF ALLEGIANCE, and SUPREMACY, following, are to be taken by you *at the time* of Ordination, before the reading of the Gospel. Should there be many Candidates present, five, or six, at one and the same time, will hold the Testament upon which these Oaths are taken by their right-hands, devoid of gloves, and after repeating aloud, and together, from the dictation of the Bishop’s Seeretary, each *Oath* as required, every one in succession kisses the book.

## OATH OF ALLEGIANCE.

'I, C \* \* \* D \* \* \*, do sincerely promise and swear, that I  
'will be faithful and bear true allegiance to her Majesty, Queen  
'Victoria. So help me God.'—(*Kiss the Book*).

## OATH OF ABJURATION, OR SUPREMACY.

'I, C \* \* \* D \* \* \*, do swear, that I do from my heart abhor,  
'detest, and abjure, as impious and heretical, that damnable  
'doctrine and position, that Princes excommunicated or deprived  
'by the Pope, or any authority of the See of Rome, may be de-  
'posed or murdered by their subjects, or any other whatsoever.  
'And I do declare that no foreign Prince, Person, Prelate, State,  
'or Potentate, hath, or ought to have, any jurisdiction, power,  
'superiority, pre-eminence, or authority, Ecclesiastical or Spiritual  
'within this Realm. So help me God.'—(*Kiss the Book*).

## THE GOSPEL.

I would urge you to be thoroughly conversant with the Ordination Service. You may be the one called upon to read publicly the Gospel (*Luke* xii. 35), as therein appointed; should this circumstance come upon you unexpectedly, it might create momentary embarrassment.

DEAN COMBER (*ob.* 1699), says:—'The reason of setting the  
'*Gospel* immediately after the Ordination was, that the new  
'ordained person might immediately exercise his authority, and  
'give proof of his fitness for this part of his office, in solemnly  
'reading the Gospel.'—MANT'S *Com. Prayer*, in loco.

## LETTERS OF ORDERS.

The ORDINATION over, the Bishop's Secretary will present to you, written on parchment, and under the Episcopal seal, *Letters Testimonial of Ordination*, called 'LETTERS OF ORDERS,' declaratory of the Bishop ordaining, the person ordained, the time when, and the place where, the Ordination occurred. It is in the form following:—



## FORM OF LETTERS OF DEACON'S ORDERS.

‘By the tenor of these Presents,  
 ‘We, A \* \* \*, by Divine Permission Bishop of — ,  
 ‘do make it known unto all Men, that on Sunday the  
 ‘— day of — in the year of our Lord, one thousand  
 ‘eight hundred and — , We, the Bishop before-  
 ‘mentioned, solemnly administering Holy Orders,  
 ‘under the protection of the Almighty in our Cathedral  
 ‘Church of — , did admit our beloved in Christ  
 ‘C \* \* \* D \* \* \*, B.A., of — College, Cambridge,  
 ‘(of whose virtuous and pious Life and Conversation,  
 ‘and competent Learning and Knowledge in the Holy  
 ‘Scriptures, we were well assured) into the Holy  
 ‘Order of Deacons, according to the manner and form  
 ‘prescribed and used by the Church of England; and  
 ‘him, the said C \* \* \* D \* \* \*, did then and there  
 ‘rightly and canonically ordain Deacon, he having  
 ‘first in our presence freely and voluntarily subscribed  
 ‘to the Thirty-Nine Articles of Religion, and to the  
 ‘three Articles contained in the Thirty-sixth Canon;  
 ‘and he likewise having taken the Oaths appointed by  
 ‘Law to be taken for and instead of the Oath of  
 ‘Supremacy. In Testimony whereof We have caused  
 ‘our Episcopal Seal to be hereunto affixed the day  
 ‘and year above written, and in the — year of our  
 ‘Consecration.’

‘A \* \* \*

(Episcopal Seal.)

B \* \* \*’

## THE CURATE'S LICENCE.

With the '*Letters of Orders*' you will also receive your LICENCE, which will assume the form and manner following:—

## FORM OF LICENCE.

'A \* \* \* by Divine permission Bishop of —, to our beloved in CHRIST, C \* \* \* D \* \* \*, Clerk, B. A., Greeting,  
'We do by these Presents give and grant unto you, in whose Fidelity, Morals, Learning, Sound Doctrine and Diligence,  
'We do fully confide, our Licence and Authority to perform the Office of Stipendiary Curate in the Parish Church of—  
'in the County of—, within our Diocese and Jurisdiction,\*  
'in reading the Common Prayers, and performing other Ecclesiastical Duties belonging to the said Office, according to the Form prescribed in the Book of Common Prayer, made and published by Authority of Parliament, and the Canons and Constitutions in that Behalf lawfully established and promulged, and not otherwise, or in any other manner (you having first before Us subscribed the Articles, taken the Oaths, and made and subscribed the Declaration, which in this Case are required by Law to be subscribed, made, and taken): And We do by these Presents assign unto you the yearly Stipend of— pounds, to be paid Quarterly, for serving the said Cure; (with the Surplice Fees, Glebe House, Garden, and Offices, free from Rates, and Taxes, &c.,—as the case may be).

'In Witness whereof, We have caused our Seal which we use in this Case to be hereto affixed: Dated the — day of —, in the year of our Lord, one thousand, eight hundred, and fifty —, and in the—year of our Consecration.

(Episcopal Seal.)

A \* \* \* B \* \* \*

\* NOTE.—The Bishop will revoke the Licence, and will not countersign the Testimonials of any Curate, who accepts a smaller Stipend than the Sum assigned in the Licence, or who undertakes the Duty of another Cure, without the Bishop's sanction: or who resigns the Curacy to which he is licensed without giving the Bishop notice of his intention. In ordinary cases three months' notice will be required.'

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\* It was formerly the practice to introduce here an additional clause, as we gather from ABP. WAKE's instructions to the Bishops of his province, A. D. 1716. thus:—'That in *Licences* to be granted to persons to serve any Cure, you cause to be inserted, after the mention of the particular Cure provided for by such Licence, a clause to this effect, "*or in any other Parish within the Diocese to which such Curate shall remove with the consent of the Bishop.*"—CARDWELL'S Doc. Ann. ii. 371.

A copy of this *Licence* will be sent to the Bishop's Registry, whence it will be forwarded to the Churchwardens of your Parish to be put into the Parish Chest (1 & 2 *Vict. c.* 106. *s.* 102.) A little variation in the *wording* of the LICENCE may occur under peculiar circumstances, or arise from the particular requirements of the different Bishops. But, *without* a LICENCE, no Curate, according to CANONS 36, and 48, can take charge of a Parish altogether, or in part, for a *continued time*.—In CANON 48, we read :—

'No Curate or Minister shall be permitted to serve in any place without examination and admission of the Bishop of the Diocese, or Ordinary of the place having Episcopal jurisdiction, *in writing under his hand and seal*, having respect to the greatness of the Cure and meetness of the party.'—CANON 48.

\* \* This, according to Sir John Nicholl, does not apply to *'occasional or temporary assistance to an Incumbent, or officiating only now and then.'* See "THE LEGAL ENACTMENTS AFFECTING THE STIPENDIARY CURATE," *postea*.

## CANONICAL OBEDIENCE.

On receiving your Licence, you will have to take the Oath of *Canonical Obedience* in the form and manner following :—

'I, C \* \* \* D \* \* \* do swear that I will pay true and Canonical obedience to the Lord Bishop of ———, in all things lawful, and honest. So help me God.'—(*Kiss the Book*).

This is in accordance with the 54th CANON, which runs thus :—

'If any man *licensed* heretofore to preach by any Archbishop, Bishop, or by either of the Universities, shall at any time from henceforth *refuse to conform* himself to the Laws, Ordinances, and Rites Ecclesiastical, established in the Church of England, he shall be admonished by the Bishop of the Diocese or Ordinary of the place, *to submit himself* to the use and due exercise of the same. And if, after such admonition, he *do not conform himself* within the space of *one month*, we determine and decree, that the *Licence* of every such Preacher shall thereupon be *'utterly void, and of none effect.'*—CANON 54.

It accords also with your solemn promise at the time of Ordination, when the Bishop put the question :—

‘Will you reverently obey your *Ordinary*, and other chief Ministers of the Church, and them to whom the charge and government over you is committed, *following with a glad mind* and will their godly admonitions?’

‘ANSWER. *I will endeavour myself, the Lord being my helper.*’  
—Book of Com. Pr.

DEAN COMBER (*ob.* 1699) says on this subject:—‘The Candidates promise *‘gladly to obey;’* i. e. readily and willingly without murmuring, or too nice disputing, unless the thing enjoined be notoriously evil; for to be very scrupulous proceeds from the pride of inferiors, and tends to overthrow the superior’s authority. And the law decrees in favour of the inferior, if he were commanded and obeyed, in a doubtful case; because in things only doubtful it is safer to obey than dispute. Yet it does not give superiors any unlimited power to command any thing that is evil; for they only promise to obey their *‘godly admonitions.’* So that such as govern in the Church must take heed that they do not enjoin any thing, but that which is either good in itself, or apparently tends to promote piety and virtue, and is not evil; for the OATH of *Canonical obedience* also hath this limitation, that they shall be obeyed *“in all,”* yet only in *“lawful and honest things”*—Quoted in MANT’S *Com. Pr.* in loco.

DR. NICHOLLS (*ob.* 1712) observes:—‘Now the duty of obedience, which is owing from the Clergy to their Bishops, has been strictly required by the Church in all ages. This is pressed so frequently in *St. Ignatius’s* Epistles, that this holy and ancient author seems to have had this principally in his view when he wrote them.... The same doctrine is taught by other of the primitive writers, as particularly *St. Cyprian*, who carries the matter higher, making disobedience to the Bishop to be a falling away from the Catholic Church.... The same Father attributes the rise of all heresies and schisms to a disobedience to the Bishop.... It were infinite to insist upon all the exhortations which are found in the writings of the later fathers to this purpose.... It was long before the *Oath of Canonical obedience* was required. This seems to have its foundation from a Canon of the *Council of Toledo*, which was held about A. D. 670.’—*Comment on B. of Com. Prayer* in loco,

#### CERTIFICATE OF DECLARATION OF CONFORMITY.

You will be likewise furnished with a *Certificate* of having made, and *subscribed*, a DECLARATION of Conformity to the LITURGY, in the presence of the Bishop. The Certificate, and the Declaration, you will have to read publicly before the Congregation from the Desk in the Church to which you are Ordained, immediately after the Morning Prayer; as directed by 13 & 14 *Car. II. c. 4. s. 11.* Thus:—

*(The Declaration made before the Bishop.)*

'I, C \* \* \* D \* \* \* Clerk, B. A. do declare that I will conform to the Liturgy of the United Church of England and Ireland, as it is now by Law established.'

(Signature)

'C \* \* \* D \* \* \*.'

*(The Certificate.)*

'This DECLARATION was made and subscribed before Us A \* \* \* by Divine Permission Bishop of ——— by the said C \* \* \* D \* \* \* previous to his being licensed to serve the Cure of the Parish Church of ———, in the County of ———, within our Diocese and Jurisdiction, this ——— day of ——— in the year of our Lord, one thousand, eight hundred, and ———, and of our Consecration the ———.'

Episcopal Seal.

Both the Certificate, and the Declaration, given above, are to be read before the Congregation, in accordance with the Statute 13 & 14 Car. II: and this must be done within *three* months after your appointment, under penalty of *deprivation*.

'.....After such *Subscription* made, every such Parson, Vicar, Curate, and Lecturer, shall procure a *Certificate* under the hand and Seal of the respective Archbishop, Bishop, or Ordinary of the Diocese, (who are hereby enjoined and required, upon demand, to make and deliver the same), and shall publicly and openly read the same, together with the Declaration or acknowledgment aforesaid, upon some Lord's day within three months then next following in his Parish Church where he is to officiate, in the presence of the Congregation there assembled, in the time of Divine Service, upon pain that every person failing therein shall lose such Parsonage, Vicarage, or Benefice, Curate's place, or Lecturer's place, respectively, and shall be utterly disabled, and *ipso facto* deprived of the same; and that the said Parsonage, Vicarage, or Benefice, Curate's place, or Lecturer's place, shall be void as if he was naturally dead.'—13 & 14 Car. ii. c. 4. s. 11.

## FEES FOR ORDINATION.

As regards the Fees, you will learn in the latter part of CANON 135.—

'That no Fee or Money shall be received, either by the Archbishop, or any Bishop, or Suffragan, either directly or indirectly for admitting of any into Sacred Orders: nor that any other person or persons under the said Archbishop, Bishop or Suffragan, shall for parchment, writing, wax, sealing or any other respect, thereunto appertaining, take above *ten shillings*, under such pains as are already by Law prescribed.'—CANON 135.

The *Letters Testimonial of Ordination*, called 'LETTERS OF ORDERS,' are, however, no part of

Ordination, and are granted merely for the security and satisfaction of the persons ordained. For these, and the considerable trouble incurred in your behalf by the Secretary and his officials, you will be called upon for about *fifty* or *sixty shillings*, which will include the *ten shillings* required for your *Licence*. There is a trifling variation in different Dioceses. The *Licence*, of course, need not of necessity be renewed on your taking *Priest's Orders*, nor so long as you continue in the same Curacy. (See the **LEGAL ENACTMENTS** on the subject of **FEEs**, *postea*.)

### CORRUPT ORDINATION.

Any *Simoniacal*\* attempt by Fee or Reward to obtain *Ordination*, or procure *Licence to Preach* is punishable by the Statute Law. As it is well to be possessed of every Legal information connected with your position, the *Section* of the Act applying in this case is here annexed :—

STAT. 31 *Eliz. c. 6. s. 10.*—‘If any person shall at any time receive or take any money, fee, reward, or any other profit directly or indirectly, or shall take any promise, agreement, covenant, bond, or other assurance, to receive or have any money, fee, reward, or any other profit, directly or indirectly, either to himself or any of his friends (all ordinary and lawful fees only excepted) for, or to procure the ordaining or making of any Minister, or giving of any Orders, or Licence to preach: then every person so offending shall for every such offence forfeit £40.; and the party so corruptly Ordained, or made Minister, or taking Orders shall forfeit the sum of £10.: and if at any time within seven years next after such corrupt entering into the Ministry or receiving of Orders, he shall accept or take any Benefice, Living, or Promotion Ecclesiastical, that then immediately from and after the induction, investing, or installation thereof or thereunto had, the same Benefice, Living, or Promotion Ecclesiastical shall be void: and the Patron shall present, collate unto, give, and dispose of the same, as if such person were dead. One half of the forfeitures shall go to the Queen, and the other half to the party that shall sue for the same.’†

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\* The 40th CANON is strongly condemnatory of all *Simoniacal* contracts, and imposes, as its Title declares, “*An Oath against SIMONY at Institution into Benefices.*”

† With respect to the meaning to be assigned to the term *Simoniacal* in CANON 40, and in the above *Statute*, there is great difference of opinion between Canonists and Jurists. The question will be found fully discussed in ARCHDEACON SHARP’S Work on *The Rubric & Canons*. p. 128—142.

## A REJECTED CANDIDATE.

It may be added here, that no Bishop is *compelled* to ordain a man, let him have qualifications however excellent, or recommendations however satisfactory ; therefore, admission into Holy Orders is not to be demanded as a right. By the Rubric, and by the Canon and Statute Law both, the Bishop is *permitted* to ordain such persons as have certain qualifications, and prohibited from admitting any to the Diaconate, or Priesthood, who do not possess these qualifications. The matter appears to be left perfectly discretionary with the Bishop, so that a *rejected Candidate* has no remedy, and cannot even require reasons to be given, for the Bishop's refusal. Where, then, there may be any implied failing, whether in respect of intellectual attainments, or morals, or bodily infirmity, allow me to enjoin a ready submission to this authority. Still, should you be actuated by a strong desire to know the motive, and have any hope of removing or extenuating the objections, or of supplying what may be thought deficient, I would recommend you to ascertain the grounds of the adverse decision through some favourable and friendly channel, rather than by direct personal appeal : if no such channel is open to you, then you may apply to the *Examining Chaplain*, who will, doubtlessly, give you the information you require.

In the early Church also many objections existed which were held to be insuperable ; thus :—

In the *Apostolical Constitutions* we read:—‘ If any one have an infirmity in his eye or leg, but deserve to be a *Bishop*, let him be so ; but not if he be deaf or blind, let this be an impediment to him in performing Ecclesiastical Offices. (CAN. 69.)’—JOHNSON'S *Vade Mecum*. Vol. ii. p. 33.

Among the Decrees of Pope INNOCENT. A. D. 404, were the following:—

'28. He who wilfully cuts off the least part of his finger, is not to be admitted to Orders; and if he is a Clergyman, is to be deposed: but not if it be done by accident, or in doing work of husbandry.'—'29. That no one twice married be admitted to the Clergy, nor he who marries a widow.'—'30. That none is born a Clergyman: that Soldiers, Pleaders, Stewards, and Courtiers, ought not to be ordained, if they have been such since their Baptism.'—JOHNSON'S *Vade Mecum*. ii. 260.

Pope HILARUS, A. D. 465. decreed:—'5. That none that is illiterate, maimed, or that has been a penitent, be received into the sacred ministry.'—(*ib.* 284.)

Pope GELASIUS A. D. 492. also decreed:—'16. That illiterate men, and such as are defective in any part of the body, be not ordained.'—(*ib.* 279.)

In more modern times we find *Abp. TENNISON*, (A. D. 1695.) requiring the Bishops 'to subjoin a particular account of all such as offered themselves to Ordination and were refused; as also of the reasons for which they were refused. All which I undertake and promise to cause to be entered into a Ledger Book for that purpose.'—CARDWELL'S *Doc. Ann.* ii. 338.

*Abp. WAKE* (A. D. 1716) enjoined on the Bishops of his province:—'That if you shall reject any person, who applies for Holy Orders, upon the account of immorality proved against him, you signify the name of the person so rejected, with the reason of your rejecting him, to me within one month; that so I may acquaint the rest of my Suffragans with the case of such rejected person before the next Ordination.'—(*ib.* 369.)

Dr. BURN commenting on these directions of *ABP. WAKE* says:—'Although they have not the authority of a law, properly so called, yet since it is said to be discretionary in the Bishop whom he will admit to the Order of Priest or Deacon, and that he is not obliged to give any reason for his refusal (1 *Still.* 334; 1 *Johns.* 46; *Wood.* b. 1. c. 3.), this implieth, that he may insist upon what previous terms of qualification he shall think proper, consistent with law and right. And by the Statute (13 *Eliz.* c. 12.), Rubric (of the *Ordinal*), and Canon (34th), he is not required, but permitted only to admit persons so and so qualified; and prohibited to admit any without, but not enjoined to admit any persons although they have such and such qualifications.'—*Ecc. Law Phil.* iii. 49.

With respect to our own age, we may cite the practice of the BISHOP OF EXETER, in regard to physical, and certain other disqualifications of *Candidates for Holy Orders*.

The Bp. of EXETER (*Dr. Phillpotts*) writes (*July* 30th, 1847.), after speaking of the provision of the usual Certificates, and Testimonials:—'The extent to which a *'Candidate's being maimed'* operates as a disqualification, is not defined by me. The loss of a leg, or such degree of lameness as would much impede his physical ability to visit his distant Parishioners in their houses, would be esteemed



'by me conclusive. Also, any *personal deformity*, which would be likely to make the party an object of disrespect; and any *impediment in his speech*, which would practically impair his usefulness — would be regarded as strong objections. These however are matters which admit of different consideration, according to the different degrees in which they may present themselves. It is my rule not to admit Candidates, who have actually belonged to any of the Professions.....The *Army*, the *Navy*, the *Law*, or *Medicine*. The last of these Professions operates somewhat less strongly as a disqualification with me than the others. I will add, that it is my rule to decline admitting Candidates for Deacon's Orders if their age exceeds thirty years. Candidates, whose Title is in the *Scilly Isles*, on engaging to retain their charge in those Isles, during several years, are sometimes admitted, though their case may not strictly fall within the rules above stated. I relax some of the rules above mentioned, in rare instances, in favour of Candidates who undertake to serve some District as *Assistants*, where the population is very large, and the local or other circumstances render the Charge undesirable to ordinary Candidates. In such cases, I sometimes extend the time for which I require the persons ordained to retain their Title, or even to continue in Deacon's Orders.' (p. 829.)—Quoted in STEPHENS' *Laws Rel. to the Clergy*.

On the question of the power possessed by Bishops to refuse a Candidate we may cite the following:—

The Curacy of the Parish of *St James* having become vacant, the Vicar, in whom the right of nomination was vested, nominated a *layman*, who presented himself to the *Archbishop of Dublin* for the purpose of being examined previous to Ordination. The Archbishop having refused to examine him, it was held that this refusal was discretionary, and that he was not bound to assign any reason for his refusal, and that the Court would not in such a case grant a *Mandamus* to the Archbishop requiring him to proceed to examination.—(*Rez v. Abp. of Dublin*, 1 Alcock & Napier, 244. Irish Ref.)—BURN'S *Eccl. L. Phil.* iii. *Addenda*, iii; STEPHEN'S *B. of Com. Pr.* p. 93. E. H. S.

## ORDINATION FOR THE COLONIES.

SHOULD you entertain a wish to go to any one of the *Colonies*, or Foreign Possessions of the British Empire, there to *sojourn*, and perform the office of a Minister of the Church of England, if possible defer it till you have been ordained to '*Priest's Orders*' at home. Because, should you be ordained in the Colonies, or exclusively for the Colonies, and it so

happen that the unsuitableness of the climate, or any other cause, bring you to England again, you may find this an obstacle in the way of your holding preferment in this country; and even meet with some difficulty, although possessed of high testimonials from your Colonial Diocesan, in obtaining a *Curacy* here. This generally arises from the Colonial Candidates being very frequently deficient in the requirements of the 33rd *Canon* with respect to a *Title*. If, however, these objections are not likely to have any weight in the peculiarities of your case, you will have to apply to the *Archbishop of Canterbury*, or of *York*, or to the *Bishop of London*, stating your wishes, and asking for instructions as to your course of proceeding. The usual method is to obtain the Licence of the Archbishop to the Diocesan, and which is seldom refused in these days. If any impediment is likely to arise, it would be better, perhaps, that your application should in that case go through '*The Society For the Propagation of the Gospel in Foreign Parts*,' or '*The Church Missionary Society*.' The former Society was invested with uncontrolled authority over the funds of the English Church in *Canada* by *Stat. 3 & 4 Vict. c. 78*. In the mean time, the following extracts from the Act of Parliament relating to this matter will be useful.

1. As to a *Title*, and *Ordination*, for the Colonies:—

By 59 Geo. III. c. 60. s. 1., It is enacted that the *Archbishop of Canterbury*, the *Archbishop of York*, or the *Bishop of London* for the time being, or any Bishop especially authorized by any or either of them, may admit into the Holy Office of '*Deacon*, or '*Priest*, any person duly qualified specially for the purpose of officiating in any spiritual capacity in the Colonies. And that a *Declaration for such purpose*, and a written engagement to perform the same under the hand of such person, being deposited in the hands of such Archbishop or Bishop, shall be held to be a sufficient *Title* with a view to such Ordination, and that in every such case it shall be distinctly stated in the *Letters of Ordination* of every person so admitted to Holy Orders, that he has been Ordained for the cure of souls in '*his Majesty's Foreign Possessions*.'

## 2. As to holding a *Curacy*, or *Preferment*, in the United Kingdom :—

By s. 2. That 'No person so Ordained shall be capable of having, holding, or enjoying, or of being admitted to any Parsonage, Vicarage, Benefice, or other Ecclesiastical promotion or dignity whatsoever within the United Kingdom of Great Britain and Ireland, or of acting as Curate therein, without the Licence of the Bishop in which any such Parsonage, &c. shall be situated; nor without the consent and approbation of such one of the said Archbishops, or Bishop of London, by whom or by whose authority such person shall have been originally ordained. And no such consent and approbation shall be given unless the party applying for the same shall first produce a testimony of his good behaviour during the time of his residence abroad from the Bishop in whose Diocese he may have officiated, or in case there be no Bishop, from the Governor in Council of the Colony in which he may have been resident, or from his Majesty's principal Secretary of State for the Colonial Department.'

## 3. The consent of the Archbishop, and the Bishop, necessary :—

By s. 3. — It is enacted, that 'No person who shall have been admitted into Holy Orders by any Colonial Bishop shall be capable of officiating or acting as CURATE in any Church or Chapel in England or Ireland, or of holding any Ecclesiastical preferment therein without the consent or approbation of the Archbishop of the province, and also of the Bishop of the Diocese, in which any such Curacy, or preferment may be situated.'

## 4. What objections are insuperable :—

By s. 4.—It is enacted, that 'No person ordained Deacon or Priest by a Colonial Bishop not having at the time Episcopal jurisdiction, and not actually residing within his jurisdiction can hold any preferment, act as Curate, or be capable of officiating at any place, or in any manner as a Minister of the Established Church of England and Ireland.'

## 5. The proceedings must be in accordance with the Statute :—

By s. 5.—It is enacted that 'all admissions to preferments, or appointments to Curacies, contrary to the provisions of this Act shall be null and void.'

In the COLONIES themselves the *status* of the Clergy does not appear to be of so permanent and fixed a character, particularly with regard to a "Title," as in the Dioceses of the mother country: as may be gathered from the "Minutes of Proceedings at a Meeting of the Metropolitan and Suffragan

Bishops of the Province of *Australia*, held at Sydney, from *October 1st*, to *November 1st*, A. D. 1850 ;” where it was decreed as follows :—

‘1. We desire to express our opinion, that no Clergyman, who shall have been duly appointed and licensed to any Church or permanent Cure of souls, should be removable therefrom, except by sentence pronounced, after judicial inquiry, before the Diocesan Synod.

‘2. That this rule should not apply to those Clergymen who have been appointed and licensed by the Bishop to any charge expressly understood to be of a temporary nature.

‘3. At the same time we consider it to be most desirable in the present state of the Church of England in our Dioceses that *Candidates for Holy Orders* should devote themselves to the service of the Church in that willing spirit which would induce them to place themselves at the disposal of their Bishop for some definite term of years, and leave to him the responsibility of appointing and changing their station during such period.’

(Signed.) ‘W. G. SYDNEY.

‘G. A. NEW ZEALAND.

‘F. R. TASMANIA.

‘AUGUSTUS ADELAIDE.

‘C. MELBOURNE.

‘W. NEWCASTLE.

(*Eccl. Gazette*, June, 1851.)

## DUTIES OF A DEACON.

POSSESSED of your *Letters of Orders*, *Licence*, and *Declaration of Conformity to the Liturgy*, you may at once proceed to take up your residence at your Curacy, and put yourself under the direction of the Incumbent. How you are to proceed in a ‘*Sole-Charge*’ will be detailed presently, when speaking on ‘*THE STIPENDIARY CURATE*.’ It is very rare, however, that a DEACON is entrusted with a *Sole-Charge*.

The REV. W. MASKELL, referring to the time of the Canonist LYNDWOOD, says:—‘The sense in which *Deacons* could thus be said to be ‘*Curates*’ in that age, is very different from that in which they are now so often, and unhappily from the force of ‘*circumstances* so often, styled ‘*Curates*.’ I do not remember, nor conceive, that it would be easy, to produce an instance of a

'DEACON having the *Sole-Charge* of a Parish, in the time of *Lyndwood*, except for that short time, after presentation to a 'Benefice, before reception of Priest's Orders.'—*Mon. Rit.* iii. CVIII. n.

The REV. J. C. ROBERTSON, adverting to the great lack of Clergymen in the time of ABP. PARKER, says that this circumstance 'led to the ordination of many illiterate persons, to the allowing 'the Services to be read by Laymen, and the frequent union of several 'Parishes under one "principal Incumbent," who was represented 'in each by DEACONS, or Lay Readers. (STRYPE's *Parker*. 65). 'DEACONS were thus allowed to hold *Cure of Souls*, although the 'commission given to that Order of Ministers was of no greater extent 'than it now is. (GIBS. *Codex*. 848.).'—*How shall we Conform to the Lit.* p. 15.

In the COLONIES at the present day, the entrusting of a '*Sole-Charge*' to a Deacon is particularly objected to; as we may gather from the "Minutes of the Conference of the British-American Bishops held at *Quebec* from September 24th to October 1st 1851," in which it is urged as follows:—'We would wish to 'discontinue the practice, which the necessities of the Church have 'sometimes forced upon us, of entrusting large independent spheres 'of duty to young and inexperienced men in *Deacon's Orders*, 'deeming it desirable that every *Deacon* should, if possible, be 'placed under the direction of an experienced Priest.'

(Signed) 'G. J. QUEBEC.  
'JOHN TORONTO,  
'EDWARD NEWFOUNDLAND,  
'JOHN FREDERICTON,  
'F. MONTREAL.'

(*Eccl. Gazette*, May, 1852)

As a *Deacon*, you will have learned from the Ordination Service, that your duties are—

1. 'To assist the Priest in Divine Service.
  2. 'To assist him also in the Ministration of the Holy Communion, and the distribution thereof.
  3. 'To read the *Holy Scriptures*, and *Homilies*, in the Church.
  4. 'To instruct the Children in the *Catechism*.
  5. 'To *Baptize Infants* in the absence of the Priest.
  6. 'To *Preach*.
  7. 'To search out the *Sick Poor*, and *Impotent*, and report 'their condition to the *Curate*' (i.e. *Incumbent*, or he who has the '*Cure of souls*').
- And occasionally—8. 'To solemnize *Matrimony*.
9. 'To perform the *Churching of Women*.'
  10. 'And to *Bury the Dead*,

I. *To assist in the Divine Services*:—The growing necessities of modern times, arising from the paucity of Clergymen compared with the increase of the population, appear to have overruled the restrictions imposed upon the Diaconate by the ‘Ordinal’; and the *Deacon* since the reign of Elizabeth has been tacitly permitted to execute various functions which, previously to that age, appertained exclusively to the Priesthood, with the exception, however, of pronouncing the *Absolution*, and the *Blessing*; consecrating the *Elements* in the Lord’s Supper; and delivering to recipients the Eucharistic *Bread*. The power assumed by the *Deacon* in these days, of reading the entire Morning and Evening Service, is considered by many to be conferred upon him by the Rubric, as well as by the last Act of Uniformity (13 & 14. *Car.* II.); while others maintain, that such an interpretation of the authorities referred to, as would grant this permission to a *Deacon*, is, strictly speaking, not only in violence of the injunction of the Rubrics generally, but in direct opposition to the context of the Act of Uniformity. Be this as it may, the usage, whether only inferentially derived from the Rubric, or doubtfully expressed in the Statute, has the sanction of long established custom. The following is the *Rubric*, in question bearing upon the reading of Morning and Evening Prayer:—

¶. ‘*And all PRIESTS and DEACONS are to say daily the Morning and Evening Prayer, either privately, or openly, not being let by sickness, or some other urgent cause.*’—Rubric before the Prefatory remarks ‘*Of Ceremonies,*’ &c. in the present BOOK OF COM. PRAYER.

DR. NICHOLLS (*ob.* 1712.) observes:—‘The want of exactness in the expression of this *Rubric* has given occasion to a practice in our Church of DEACONS performing the *whole* Divine Service; but the meaning is not that DEACONS *may* say Prayer *openly*, but that DEACONS who are not at Church any day, to officiate in assisting the Priest, and thereby do not join *publicly* in the Divine Service, shall read the Morning and Evening Service in their own families. And the word “say”, as it refers to DEACONS, denotes only their share in the Divine Office, the Responses, Lessons, &c., and not their saying the whole Morning and Evening Service. For this Rubric is to be understood by the practice in the Church before the Reformation. *Deacons* and *Sub-Deacons* were then to be at canonical hours in the Church, or to repeat the offices privately at home. But no one could conclude from thence, that a *Deacon* or *Sub-Deacon* might entirely perform these offices in a Church or Chapel; which the Priest only is allowed to do...It may be said, that the practice in the Church of England is, that the DEACONS have, time out of mind, been permitted to say Morning and Evening Prayer. But this practice took its rise, from a case of necessity in the beginning of Queen Elizabeth’s time, when after

'her Visitation, A. D. 1559, many Churches were left destitute, and 'some, even *Lay-men*, were appointed to read Service in the 'Church by Letters of toleration from the Bishops. (STRYPE'S 'Ann. i. 158.) But still such Licences were contrary to the Canon 'Law, and probably to the Statute Law; for the Rubrics in the 'Liturgy are confirmed by Statute, and they order Morning and 'Evening Service to be said by the Priest, or Minister, which is 'equivalent to Priest.—*Com. Pr.* in loco. And when commenting on the reading of the *Absolution*, DR. NICHOLLS says:—'It is no 'part of the *Deacon's* office to read this, or any part of the Common 'Prayer, unless the 'Litany' in public. His office is to assist the 'Priest who ministreth in Divine Service, to read Scriptures and 'Homilies, to Catechize, and in the absence of the Priest to Baptize 'Infants, and to Preach when licensed; but to perform Divine 'Service is no part of the office of a Deacon in the Church of God, 'committed to him in his Ordination...For *Deacons* to perform 'Divine Service, is an intrusion of too long standing among us 'easily to be rectified.' (*ib.*)

But the authority for DEACONS to read the whole Service in the Church appears to rest more particularly on the *Statute of Uniformity*, 13 & 14 Car. II. c. 4., although it can be gathered from it but incidentally; thus:—

'Provided that at all and every time and times, when any 'Sermon or Lecture is to be preached, the Common Prayers and 'Service in the said Book, appointed to be read for that time of the 'day shall be openly, publicly, and solemnly read, by some Priest 'or Deacon before such Sermon,' &c.—*Sect. 22.*

DR. NICHOLLS adds here:—'But this does not vest a DEACON 'with any new power contrary to any former Ecclesiastical rule, 'but only secures a Lecturer from a penalty otherwise incurred 'by the Law. And the makers of that Act were led into an error 'concerning the legal usage of the Church from an irregular 'practice which before that time had existed.'—*Com. Pr.* in loco.

DEAN COMBER (*ob.* 1699.) observes:—'A DEACON, as his very 'name imports, is to "Minister" to a Bishop or a Priest in the 'celebration of Divine Offices, and to serve those of the higher 'Orders: which of old was generally practised...And in our 'Cathedrals they often read the Litany, the Epistle, and the 'Confession at the Altar, and the Priests perform all the rest of the 'Service. Before the modern invention of *lay Parish-Clerks*, there 'were generally a PRIEST and a DEACON in every Church, the latter 'of which repeated the Confession, Lord's Prayer, and the Creed, 'after the Priest, and made all the responses as our Clerks now 'do: but of late DEACONS are usually fixed as 'Curates' under 'some eminent PRIEST, in whose absence the whole Divine Service 'is left to them: and they read all the Prayers except the '*Absolution*,' which it is the privilege of a PRIEST alone to repeat.'—(Quoted in MANT'S *Com. Prayer*, p. 688.)

BR. GIBSON (*ob.* 1748.) remarks:—'Anciently the DEACON 'officiated under the Presbyter in saying responses, and repeating the 'Confession, the Creed, and the Lord's Prayer, after him, and in such

'other duties of the Church as now properly belong to our Parish-Clerks; who were heretofore real Clerks, attending the Parish Priests in those inferior Offices. (*Codex* 150).—BURN'S *Eccl. L.* Phil. iii. 58.

The REV. W. MASKELL cites the Canons of the early English Church, as prohibitory of DEACONS taking Confessions, and assuming the functions of the Priesthood; thus:—'The *Norwich* Canons of A. D. 1257: "Audivimus quoque, quod quidam Sacerdotes faciant suos DIACONOS audire Confessiones Parochianorum suorum; quod quam sit absurdum non opus est dicere, cum evidenter verum sit, quod DIACONIS non est tradita potestas...Propterea firmiter inhibemus, ne DIACONI Confessiones audiant, aut pœnitentias injungant, aut alia Sacramenta ministrent, quæ concessa sunt solis Sacerdotibus ministrare." The same is enjoined in the *Synod of Exeter*. A. D. 1287. Previously, in A. D. 1252, BISHOP GROSTETE made it an Article of enquiry—"An DIACONI audiant Confessiones, vel alia ministrent Sacramenta tantum Sacerdotibus concessa."—*Mon. Rit.* iii. cvii.

II. *To assist the Priest at the Administration of the Holy Communion*:—The DEACON here is permitted to read a portion of the Service, and aid in the collection of the Alms, and in the distribution of the Elements by delivering—not the Bread—but the Cup, to the recipients. He is expressly forbidden by the Statute of Uniformity (13 & 14 Car. II.), to consecrate the 'Bread and Wine,' as we shall presently see; and to deny the Deacon the distribution of the 'Bread' was the ancient usage of the Church, as we may gather from the following Rubric of the *FIRST LITURGY* of EDWARD VI. (1549).

'If there be a DEACON, or other PRIEST, then shall he follow with the Chalice: and as the PRIEST ministereth the Sacrament of the Body, so shall he (for more expedition) minister the Sacrament of the Blood, in form before written.'—KEELING. 219.

BP. COSINS (*ob.* 1672.) remarks upon this Rubric:—"Here is an express distinction between a Priest and a Deacon, who by the ancient Canons of the Church was not to deliver the Bread."—(Quoted in MANT'S *Com. Pr.* p. 689.)

DEAN COMBER (*ob.* 1699.) observes:—"The Deacon's Office...is, when the Sacrament is consecrated, to assist the Bishop or Priest in distributing the same to the Congregation; which was their part in this mystery as anciently as Justin Martyr's time; but especially they used to distribute the Cup, of which then the people, not the Priest alone, used to drink; and it appears that the custom in the Roman Church also was, till of late time, for all the people to receive the Cup; or else this could not have been the Deacon's office there, who need not assist the Bishop or Priest in giving the Cup if he alone had drunk of it."—(*ibid.*)



WHEATLY (*ob.* 1742) says:—‘Where there are two or more Ministers present, it is the custom for the chief Minister, or for him that consecrates, to administer only the Body, and for another to follow and administer the Cup. Agreeable to an old Rubric in King Edward’s first Liturgy, which orders, that, “*If there be a Deacon*” &c. (p. 301.)—*Kat. Ill. of B. of Com. Prayer.*

The REV. W. MASKELL states:—‘Very anciently there seems to have been great difference of practice as to the administration of the Cup by *Deacons*. MARTENE (*de Ant. Rit. l. i. c. iv.*) brings many examples by which he proves that it was not only allowed but general: and there is the well known complaint of *S. Lawrence* to *Pope SIXTUS*: “*Quo Sacerdos sancte sine Diacono properas? nunquid degenerem me probasti? experire, utrum idoneum Magistrum elegeris, cui cominisisti Dominici Sanguinis dispensationem.*” As MERATI remarks upon GAVANTUS (i. p. 230.) citing this: *S. Lawrence* says not the Body, but the Blood: and this, as if it were an especial part of the office of *Deacons*. On the other hand, we have *S. CHRYSOSTOM* (*Hom. 46. in Matt.*) declaring that none but a Priest can administer the Cup: and the 15th Canon of the 2nd Council of Arles, decreeing, that when a Priest is present, a *Deacon* may not administer “the Body of the Lord:” which seems still further to limit the Canon of the Council of Nice, viz. that *Deacons* should not to Priests “give the Body of Christ.” The 16th of the Canons of ÆLFRIC allows *Deacons* to “baptize Children, and housel the people:” which, if there should be any doubt, is fully explained in the Pastoral Epistle of the same ÆLFRIC: “the *Deacon* may give the Bread and baptize children.” (THORPE *Anct. Laws and Inst. ii. 349. 379.*) But this Canon of the Council of Nice may be reconciled with the others, by remembering that by it, *DEACONS* were forbidden to distribute to Priests only: and in this case, there would be conveyed a tacit permission that they might to the Laity. There seems to be no ground for supposing that the Nicene Fathers intended in any way to oppose the custom of the first and Apostolic age, when, as *S. JUSTIN* tells us, (*Apol. ii.*), the *DEACONS* conveyed the Eucharist to the absent and the sick. The 38th Canon of 4th Council of Carthage. A. D. 252. is very much to the point: “*Præsente Presbytero, Diaconus Eucharistiam Corporis Christi populo, si necessitas cogat, jussus eroget.*”.....So that in all these cases, an express command from the Priest was thought necessary, that *DEACONS* might not presume and attempt even perhaps to consecrate.’ (p. 127. n.)—*Ancient Lit. of Church of Eng.* This author, however, in another work, quotes from *Wilkins* (*Conc. ii. 170.*) the following Canon of a Synod of Chichester. A. D. 1289: “*Caveant Presbyteri, ne ad visitandum infirmos se exhibeant difficiles;.... nec, sicut a quibusdam hactenus est præsumptum, mittant cum Eucharistia Diaconos ad infirmos.*”—*Mon. Rit. ii. cix.*

With regard to the DEACON collecting the *Alms* at the *Offertory*, as directed in the Rubric after the sentences.—

WHEATLY says:—‘The *Deacons* are the most proper persons for this business, it being the very office for which their order was instituted. (*Acts vi.*) And for this reason the Scotch

'Liturgy does not allow the Churchwardens to do it, but at such times when there are no Deacons present.'\* (p. 270.) —*Rat. Ill. of B. of Com. Pr.*

III. *To read the Holy Scriptures, and Homilies in the Church*:—It is the place of the DEACON, when assisting the PRIEST, to read the 'Lessons,' which is sometimes done even by Laymen; and the *Rubrics* of the first Liturgy of Edward VI. (1549.) also permitted him to read the Epistle and Gospel in the Communion Office. It is likewise the duty of the *Deacon*, when there is no 'Sermon,' to read one of the appointed *Homilies*.

DEAN COMBER remarks:—"It is the office of the *Deacon* to "read the *Holy Scripture* to the people," but it is farther remarked 'here, that he is also to read "*Homilies* in the Church;" which is 'no new injunction; for an ancient Council orders, that, "when "the Priest is infirm and cannot preach, the DEACON shall read "the Homilies of the Fathers." — (Quoted in MANT'S *Com. Prayer*. p. 689.)

IV. *To instruct the Children in the Catechism*—This duty is enjoined upon the Clergy generally by the 59th CANON (of 1603.): and is to be done 'for half an hour or more every Sunday and Holy-Day before Evening Prayer.' (CAN. 59.). Since the last Review of the Prayer Book, it has been more usual for the Officiating Minister, to question the Children of the School in the 'Church Catechism' for a short time, after the "Second Lesson" at 'Evening Prayer,' in accordance with the direction of the *Rubric* following the 'Catechism;' and the term 'Curate' embraces Priest and Deacon both, but the duty may be transferred by the Priest to a Deacon, if one be present. (See GIBS. *Cod.* 172).

DR. NICHOLLS says:—"DEACONS to *Catechize* the Youth, is 'a duty enjoined not only by our Church here, and in the 59th 'CANON, but was so likewise by the ancient Church. Indeed in 'some Churches the '*Catechist*' was a distinct officer, not determined to any one particular order. But where there was no 'particular officer assigned to this duty, neither was it taken up 'by the Bishop or Presbyter, it fell to the *Deacons* on course.'—*Com. Prayer* in loco.

V. *To Baptize Infants in the absence of the Priest*.—When a PRIEST is present it is his office to perform the *Baptismal Rite*; the duty only devolves upon the DEACON when the Priest

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\* The Rubric of the Scotch LITURGY reads:—

'Whilst the Presbyter distinctly pronounceth some or all of these sentences for the Offertory, the Deacon, or (if no such be present) one of the Churchwardens, shall receive.'—KEELING. 186.

is absent, or it be committed to him by the Priest. In '*Adult Baptism*,' however, the DEACON must not undertake the execution of that office.

DEAN COMBER writes:—'A fifth duty of the DEACONS is to baptize Infants, which we may gather from St. Philip, the Deacon's, baptizing the Samaritans, whom the Apostles were sent to confirm afterwards (*Acts viii. 12—15.*) We see in Scripture, Baptism was reckoned one of the lowest kinds of ministries; so that our Saviour did not baptize, but his disciples. (*John iv. 2.*) St. PETER commanded others, probably some of the Deacons, to baptize Cornelius and his household. (*Acts x. 48.*); and St. Paul saith "he had baptized but few." (*1 Cor. i. 15—17.*). The Roman Pontifical reckons it among the ordinary works of a Deacon, to wait at the Altar, and baptize. But, out of respect to the higher order of Priesthood, our Church seems to allow this to be done by a Deacon, only "in the absence of a Priest;" because Baptism, being a Sacrament, should be administered by the principal Minister, that is present:—though there is no doubt but a Deacon's baptizing is as valid as that of a Priest.'—(Quoted in MANT'S *Com. Prayer* in loco.)

DR. NICHOLLS, commenting on the Rubric of the Baptismal Service, "*The Priest coming to the Font,*" &c. observes:—'Our Church in these words declares who is the proper and ordinary Minister of Baptism. The commission to baptize was given to the Apostles and their successors, and other persons whom they should appoint for that office. Hence it was a maxim in the primitive Church, that the Bishop had the sole original right of baptizing vested in him. So TERTULLIAN says (*de Bapt. c. 17.*) ....and before him St Ignatius in his Epistle to the Smyrnæans..... So St. JEROME in his dialogue against the Luciferians.... But these expressions must be understood only to hold in the Bishop's own Church, where he is usually resident: as for other rural Churches, where Presbyters were settled, they did confer Baptism by virtue of their own office. But, as a Presbyter, in a Bishop's Cathedral Church, must not administer Baptism in his presence, nor in his absence without permission from him, so in rural Congregations, a Deacon must not perform it in the presence of the Presbyter, nor in his absence, unless he had a licence thereunto from the Bishop. But as VOSSIUS (*Tract de Bapt.*) observes, Those Deacons who were not only ablest to be assistant to the Presbyter, but had likewise a licence to preach the word of God, had also authority afforded them to baptize. Though this was only in the absence of the Priest, and when some kind of necessity exacted it, as we may learn from THEODORET (*Qu. i. Paral.*). ....To the same purpose St. Chrysostom. (*Hom. 61. tom. VII.*) .....Nay, the case of extraordinary necessity moved the former ages to allow a larger dispensation, even for lay persons to administer Baptism: which was allowed so anciently as Tertullian's time: "*Alioqui etiam laicis jus est Baptizandi.*" (TERTULL. *de Bapt. 17.*) So St. JEROME (*HIER. Dial. contr. Lucif.*): "*Si necessitas cogit, scimus etiam licere laicis Baptizare.*" Which custom obtained in our Church till the Conference at Hampton Court, when, to satisfy the scruples which some had raised against it, it was

'judged fit by the King and Bishops that it should be laid aside. But in common cases our Church has, in this *Rubric*, declared 'who is the ordinary Minister of Baptism, viz. the PRIEST; liberty 'being still allowed in extraordinary cases, or in the absence of the 'Priest (as it was in the primitive Church), for a DEACON to baptize.'—*Com. Prayer* in loco.

The REV. W. MASKELL shows that DEACONS were prohibited from baptizing except in cases of necessity. In the 5th Canon of the Council of York, in 1195: "Decrevimus etiam, ut non nisi summa, et gravi urgente necessitate *Diaconus* baptizet, vel Corpus Christi cuiquam eroget, vel pœnitentiam confitenti imponat." (WILK. *Conc.* i. 501.). And five years afterwards, in the province of Canterbury, the 3rd Canon of the Council of London: "Ut non liceat *Diaconibus* baptizare, vel pœnitentias dare, nisi duplici necessitate; viz. quia *Sacerdos* non potest, vel absens, vel stulte non vult, et mors imminet puero, vel ægro." (*ib.* 505.). The same was repeated in 1236 in a Provincial Constitution. (*ib.* 636.). LYNDWOOD has a gloss upon this.... "De primo, scil. quoad baptismum, sic scribunt communiter omnes theologi, qui dicunt quod alius non *Sacerdos* baptizans præter articulum necessitatis peccat."—*Mon. Rit.* iii. 192. n. This author in his SUPPLEMENT (at p. 376.) adds:—"Si quis baptizat pro temeritate, non ordinatus, abjiciendus est extra Ecclesiam, et nunquam ordinetur." (THEODORI *lib. Pœnit.* c. 38. 4.). And in another work, we find the following quotation from LYNDWOOD:—"In casu necessitatis, absente Presbytero, potest *Diaconus* suo jure baptizare, et Corpus Christi erogare infirmis: sed in Ecclesia presente Presbytero, non potest, etiamsi necessitas exigat, nisi jussus a Presbytero, puta, cum multi sint qui indigent Baptismo, et Presbyter non potest omnibus sufficere. Similiter, si multi volunt accipere Corpus Christi, nec Presbyter sufficit omnibus." (*lib.* iii. tit. 24.)—*Ancient Lit. of Church of England*, p. 127. n.

With respect to *Adult Baptism*, we have the following opinions:—

The Rev. J. C. ROBERTSON says:—"It is to be observed, that throughout the office for 'Baptism of Adults,' the officiating person is styled Priest; and that *Deacons* at their Ordination receive authority only to baptize *Infants*, and that "in the absence of the Priest." These limitations, as well as the office for Adults, were added at the last Review.' (p. 241.)—*How shall we Conform to the Lit.*

MR. A. J. STEPHENS (*Barrister-at-Law*) follows MR. ROBERTSON in almost the exact words above given, adding:—"It is therefore clear, that they (*Deacons*) have no authority to administer Adult Baptism."—*Common Prayer*. E. H. S. p. 1423.

## VI. To Preach if admitted thereto by the Bishop.

—The permission for a *Deacon* to preach is usually expressed in 'the Licence' to his Curacy; and must by no means be considered as conferred by the 'Letters of Orders.'

DR. NICHOLLS says:—‘It does not appear by any marks in antiquity that the DEACONS had ever any right to *preach* in the Church by virtue of their order. And our Church, following the primitive practice, has not allowed the DEACONS to *preach* by virtue of their orders, but only by the permission of the Bishop; who, if he shall find them upon examination to be of competent abilities, may afford them a *Licence* to exercise their talents in this way.’—*Com. Prayer* in loco.

VII. *To search out the Sick, Poor, and Impotent, &c.*—This is one of the chief functions of the *Deacon*; and indeed this duty gave origin to his office. It should be followed up systematically, and with assiduity.

BP. MANT observes from DEAN COMBER, and DR. NICHOLLS—‘The part of the *Deacon’s Office* out of the Church is that, which was the original cause of the institution of the order, namely, to *take care of the Poor*. From early writers of the Church, it appears to have been the practice, for DEACONS to look out fit objects of charity, in order to their being relieved by the oblations of the faithful, under the direction of the Bishop. This was agreeable to what our Church here enjoins.’—*Com. Prayer* in loco. p. 689.

BP. GIBSON says:—‘This is the most ancient duty of a *Deacon*, and the immediate cause of the institution of the order. This rule was made in England while the Poor subsisted chiefly by voluntary charities, and before the settlement of rates, or other fixed and certain provisions; pursuant to which provision, our laws have devolved that care upon the Churchwardens and Overseers of the Poor; which last office was created on purpose for that end.’ (*Cod.* 159.)—BURN’S *Eccl. Law Phil.* iii. 58.

VIII. *Marrying*,—IX. *Churching of Women*,—X. *and Burying*:—These several offices have been considered by many Clergymen of modern times, to be as much within the function of the *Deacon* as of the *Priest*; particularly since the receiving of the Holy Communion as an intrinsic part of these Services has been almost universally dispensed with. Strict *Rubrical* propriety, however, would confine the duty to the Priesthood: as may be seen by a perusal of the Rubrics in these Services, where the word ‘*Priest*’ continually occurs. In the *Marriage Service*, especially, the bestowal of the ‘ *blessings* ’ is exclusively a Priestly function. In the Ancient Offices, the “*Ordo ad Faciendum Sponsalia*,” “*Purificatio post Partum*,” and the “*Inhumatio Defuncti*,” we find the Officiating Minister styled the Priest (*Sacerdos*).

WATSON in his ‘*Clergyman’s Law*’ says:—‘So far the office of a *Deacon* is to be collected from the Rubric in the form of Ordination, and from the Form itself. And forasmuch as he is

'hcrehy permitted to Baptize, Catechize, to Preach, to assist in the Administration of the Lord's Supper; so also by *parity of reason* he hath used to *Solemnize Matrimony*, and to *Bury the Dead*. (c. 14.)'—BURN'S *Eecl. L. Phil.* iii. 59. DR. BURN adds here:—  
'And in general it seemeth, that he may perform *all the other offices* in the Liturgy, which a Priest can do, except only *consecrating the Sacrament* of the Lord's Supper, and except also the pronouncing of the *Absolution*.' (ihid.)

The REV. M. PLUMMER remarks with respect to '*Marrying*':—  
'*Marriage* is to be solemnized "per *Presbyterum sanctis ordinibus constitutum*." Such is the old rule of the Church, and no alteration was made at the Reformation. Neither is the power to *solemnize Marriage* conferred upon a DEACON by the Act of Uniformity, or any other legislative enactment. Indeed, no Act of Parliament, or Canon of the Church, would do so; for DEACONS have always been prohibited from giving the *Blessing*; and the two *blessings* in the Marriage Service are as solemn as any; and it is the *blessing* of the Priest which completes the *Marriage*. Indeed the Marriage Service was anciently called "The Blessing of the Priest." See &c. the case of the *Queen v. Millis*, in House of Lords, March 29th, 1844. Where a Marriage was annulled, because not solemnized by a Priest Episcopally ordained. See likewise the address of *Chief Justice TINDAL* in the House of Lords, &c. July 7th, 1843. In which was the following remark—  
"It was essential to the constitution of a full and complete Marriage, that, besides the civil contract, there should be a religious ceremony; its sufficiency (of the ceremony) had been left by the common law to be tested by the Ecclesiastical courts, the Law Courts only requiring that the forms which had been sufficient at one time, should, *if a Priest in orders were present*, be so again. One of the earliest Constitutions in the English Ecclesiastical Law *expressly and pointedly required the presence of a Priest in orders* to complete the contract of Marriage by the ceremonies of the Church, and by hindring the hands of the parties to make their union prosperous. In subsequent Constitutions, he (*the Chief Justice*) had failed to find any thing to reverse, or even to discountenance, the effect of this Constitution."—*Observations on Book of Com. Prayer*. p. 255.

## DISQUALIFICATIONS IN THE OFFICE OF DEACON.

A *Deacon* may perform all the duties and offices enjoined in the Liturgy that a Priest can do;—

*Except*—1. Pronouncing the *Absolution*.

2. *Consecrating the Elements* of the Lord's Supper.

3. Pronouncing the *Blessing*.

4. He is excluded also from holding any *Benefice*, or Ecclesiastical preferment.—(BURN'S *Eccl. L.* Phil. iii. 60; GIBBS. *Cod.* 146.)

I. The '*Absolution*,' beginning with "*Almighty God, the Father of our Lord Jesus Christ, &c.*" is not to be pronounced by the DEACON, because the Rubric expressly says it is '*to be pronounced by the Priest alone.*' Besides, a comparison of the Ordination Service of the *Deacon* with that of the *Priest*, will shew that the Deacon and Priest are possessed of different powers, and authority. To the *Deacon*, it is said,—"*take thou authority to read the Gospel, . . . and to Preach, &c.*" To the *Priest*, it is said :—"*Receive the Holy Ghost . . . whose sins thou dost forgive they are forgiven, and whose sins thou dost retain they are retained, &c.*"

You are therefore as a DEACON bound by the Rubric to omit the *Absolution*, and pass on directly to the *Lord's Prayer*. You have no authority to introduce in the place of the *Absolution*, any other form, or any Collect. The Collect, "*O God, whose nature and property, &c.,*" found among the Occasional Prayers, is often here introduced; but such introduction is out of order; for if you be allowed to introduce *that* Collect, you may be allowed to introduce any other. Should an *Officiating Priest* be present, he will read '*The Absolution.*' In proof of these opinions I will refer you to the following authorities :—

BP. ANDREWS (*ob.* 1626) observes :—'*It is to be pronounced "by the Priest alone," because none has received that power but a Priest.*'—*Add. Notes in NICHOLL'S Com. Prayer.*

DR. HOLE, in his '*Practical Discourses on the Liturgy*,' says :—"*By the Priest alone,*" that is, by the Priest, not only in contradistinction to the people, but likewise to the inferior order of *Deacons*, 'who have no right to this power, which is annexed only to the Priesthood.'—(Quoted in MANT'S *Com. Prayer.* in loco.)

DR. NICHOLLS (*ob.* 1712.) states:—‘That it might not be doubted by whom this form of *Absolution* may be pronounced, the Rubric expressly commands, that it is the *Priest* who officiates. By *Priest* in Church language is understood, a person who is advanced, in the Ecclesiastical orders, to the dignity of a *Presbyter*: and no person in any age of the Church who was under this degree, ever pretended, as of right, to pronounce absolution.... No one could pronounce absolution, but he who had power to excommunicate.... In our Provincial Constitutions it is strictly enjoined, *De poenitentia præcipimus, quod Diaconi poenitentias dare non præsumant*:" unless the Priest be away when a man is a-dying. (LYNDW. l. v. c. 16.)... The Church of England, in the last Review of the Liturgy, inserted the word *Priest* instead of *Minister*, which was in Edward VI's. Second Book, and in Queen Elizabeth's, in order that no one might pretend to pronounce the *Absolution*, but are in *Priest's Orders*. In the *Scotch PRAYER BOOK*, *temp.* Car. I. it is thus worded, "*By the Presbyter alone*."... But it may be said, that Priest here signifies not one who is in Priest's Orders, but any *Minister* that officiates, whether *Priest* or *Deacon*; that a *Deacon* is a *Minister* in the Common Prayer Book sense of the word, and may read not only the Communion Prayer, but also this *Absolution*. But the word *Priest* neither here nor anywhere else in the Common Prayer, signifies so; and the Compilers of that Book were better Divines and Canonists, than to put that sense upon the word... The power of *Absolution* delegated to Ministers by JESUS CHRIST (*John* xx. 23), is not given to *Deacons*, but to *Priests*. Now, how can a *Deacon* contend, that God having given power and commandment to His Ministers, to pronounce *Absolution* to His penitent people, therefore he does accordingly pronounce it; when at the same time he knows, he is not one of those Ministers to whom this power is granted? Indeed, for *Deacons* to perform Divine Service, is an intrusion of too long standing among us easily to be rectified; but, for them to pronounce *Absolution*, is a more novel boldness, which, if not checked by Superiors, in time will proceed to greater extravagance.—*Common Prayer* in loco.

DR. BENNET (*ob.* 1728), however, argues differently, for he says:—‘It may be asked whether a mere *Deacon* may pronounce this form of *Absolution*: and to this I answer, that in my judgment he may.’ The reason that he gives for it is, that he cannot but think it manifest, that this form of *Absolution* is only *declaratory*: that it is only saying, That all penitent sinners are pardoned by God upon their repentance: and consequently that a mere *Deacon* has as much authority to speak every part of this form, as he has to say, "*When the wicked man turneth away from his wickedness*," &c.... nay, that a mere *Deacon* has as much authority to pronounce this form, as he has to preach a Sermon about repentance. And that therefore it seems to be a vulgar mistake, which makes the *Deacons* deviate from their rule, and omit either the whole, or else a part of this form, or perhaps exchange it for a Collect taken out of some other part of the Liturgy' (*p.* 27).—*Paraphrase on Book of Com. Pr.*



WHEATLY (*ob.* 1742.) replying to this opinion of DR. BENNET thus observes:—‘*Deacons* were never commissioned by the Church to give *Absolution* in any of its forms: and therefore when a *Deacon* omits the whole or part of this form, he *does not deviate from his rule*, as the Dr. asserts, but prudently declines to use an authority which he never received; and which he is expressly forbid to use in this place by the *Rubric* prefixed, which orders the *Absolution* to be pronounced by the *Priest alone*... But as to what the Doctor goes on to assert, that “the word *Priest* does in this place signify, not one that is in *Priest’s* orders, as we generally speak, but any *Minister* that officiates, whether *Priest*, or *Deacon*: I think I have very good reason to dissent from him. For the signification of a word is certainly to be best learnt from the persons that impose it. Now, though it be true that in K. EDWARD’S *Second Com. Pr. Book*, (which was the first that had the *Absolution* in it,) and in all the other Books till the Restoration of K. CHARLES, the word in the *Rubric* was *Minister* and not *Priest*; yet in the Review that followed immediately after the Restoration, *Priest* was inserted in the room of *Minister*, and that with a full and direct design to exclude *Deacons* from being meant by it. For at the “*Savoy Conference*” the Presbyterian Divines... had desired that, as the word *Minister* was used in the *Absolution*, and in divers other places; it might also be used throughout the whole Book instead of the word *Priest*. But to this the Bishops’ answer was very peremptory and full, viz. “It is not reasonable that the word *Minister* should be only used in the Liturgy: for since some parts of the Liturgy may be performed by a *Deacon*, others by none under the order of a *Priest*, viz. *Absolution*, *Consecration*; it is fit that some such word as *Priest* should be used for those offices, and not *Minister*, which signifies at large every one that ministers in the holy office, of what order soever be be.” And agreeable to this answer, when they came to make the necessary alterations in the Liturgy, they not only refused to change *Priest* for *Minister*, but also threw out the word *Minister*, and put *Priest* in the room of it, even in this *Rubric* before the *Absolution*. So that it is undeniably plain, that by this *Rubric* *Deacons* are expressly forbid to pronounce this form; since the word *Priest* in this place (if interpreted according to the intent of those that inserted it) is expressly limited to one in *Priest’s* Orders, and does not comprehend any *Minister* that officiates, whether *Priest* or *Deacon*, as DR. BENNET asserts. I therefore could wish that the Dr. would take some decent opportunity to withdraw that countenance, which I know some *Deacons* are apt to take from his opinion, which has much contributed to the spreading of a practice which was seldom or never known before. The Dr. indeed, in the conclusion of the whole, declares that “he is far from desiring any person to be determined by him: and entreats the *Deacons* to consult their Ordinaries, and to follow their directions, which in such disputable matters (as these) are the best rules of conscience.” But as to this it should be considered, that the *Rubric* being established by Act of Parliament, the Ordinaries themselves (whom the Dr. advises the *Deacons* to consult about it) have no power to authorize them to use this form, any otherwise than by giving them *Priest’s* orders: since their authority reaches no farther than to doubtful cases, and this, I think, appears now to be ‘a clear one.’ (p. 115—121.)—*Rat. Ill. of B. of Com. Prayer.*

DR. BISSE (*ob.* 1731.) remarks:—‘The *Absolution* is to be pronounced by virtue of the commission mentioned (*John* xx. 23). Upon which account the Church hath not allowed this form to be pronounced by a *Deacon*, to whom that commission is not given; but hath reserved it to the *Priests*, who at their ordination, are vested with that authority. Though therefore the word ‘*Minister*’ be put, both in the foregoing Rubric, before the Confession, and in that following, before the Lord’s Prayer, yet in this, before the *Absolution*, though coming just between them, the word ‘*Priest*’ is inserted: which was done at the last Review of our Liturgy in 1661, to distinguish and limit this power to the Priest’s Office.’—(Quoted in MANT’S *Com. Prayer* in loco.)

SHEPHERD (*ob.* 1805.) writes with respect to the words of the Rubric, “*By the Priest alone*”:—‘The meaning of which words I apprehend to be, that no *Layman* or *Deacon*, none under the order of a *Priest*, shall either in the private exercise of piety, or in the public Service of the Church, repeat the ‘*Absolution*.’ That it should not be read by a *Layman*, is a position which requires no proof... That it must not be read in the Congregation by a *Deacon* is a part of my argument which will not be so readily granted. For of all the questions...few, I apprehend, have been more frequently agitated, and none more commonly left undecided than this—“Is it lawful and right for a *Deacon* to read the *Absolution*?” On the affirmative side of the question, stand the authority and the arguments of *Dr. Bennet*, who has advanced nearly all, that has since been brought forward in favour of the practice’ (see *supra*)... ‘But the Church has explained her meaning without ambiguity, and beyond the possibility of doubt. By the Statute, enacted in conformity to the opinion of the Episcopalian Commissioners appointed in 1661 to review the Liturgy, every *Deacon* is expressly forbidden to pronounce the *Absolution*: a circumstance which appears to have escaped the observation of the author of the Paraphrase (*Dr. Bennet*), and to be unknown to *Deacons*, who pursue the practice he recommends.’ (After giving the Bishops’ explanation of Minister and Priest at the *Savoy Conference* he proceeds:—) ‘Accordingly the word *Priest*, in the strict meaning of the term, and in contradistinction to the word *Deacon* was retained in the Rubric; and the sense of the Church Commissioners, ascertained through the objection of the Presbyterian Divines, was ratified by Parliament.\* The simple statement of the fact amounts to something more than a complete refutation of the arguments of *DR. BENNET*. It is a final decision of the dispute made by the highest authority in these realms. Were farther proof wanting that, according to the existing regulations of the Church of England, a *Deacon* may not read the *Absolution*, the Ecclesiastical Commissioners appointed in 1691 to revise the

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\* This refers to the 17th Section of 13 & 14. Car. II. c. 4. which enacts:—‘That no form or order of Common Prayers, Administration of Sacraments, Rites, and Ceremonies, should be openly used in any Church, &c., other than what is in the said Book, &c.’

'Liturgy, have furnished us with one full to the purpose. They knew that as matters then stood, none but a *Priest* could lawfully read the *Absolution*; and, therefore, among other alterations they proposed that a Rubric should be made authorizing a *Deacon* to read it.\* Their proposed alterations, it is well known, were never carried into effect, and the whole of the project was entirely abandoned. Of course, the law, empowering a *Priest alone* to pronounce the *Absolution*, remains unaltered and in full force... what course then is an officiating *Deacon* to pursue, when he comes to the *Absolution*? "He is," says, a modern Commentator on the Liturgy (WALDO), "to offer up some short prayer in its stead." instead of a naked assertion, we should have been obliged to this writer for favouring us with something like the grounds on which his opinion is founded. If a *Deacon*, a person of the lowest order in the Church, and one who is not expected to possess any very considerable degree of Ritual knowledge, is at liberty, without any lawful provision expressed or implied, to alter the Service here, and to introduce whatever Prayer his private judgment may suggest, what is the use of an 'Act for Uniformity'? If the prescribed form of COMMON PRAYER may be altered in one instance, who does not see that it may by different persons be violated in all? .... If a *Deacon* is neither to read the *Absolution*, nor to substitute a Prayer in its room, what is he to do? The rule is plain, and leaves him no alternative. After the *Confession*, he is to remain kneeling, and to proceed to the Lord's Prayer. This always appeared to me to be the necessary, and only conclusion, to be drawn from the premises.' (p. 41—52.).—*Elucidation of Bk. of Com. Pr.* Vol. i.†

ARCHDEACON YARDLEY says, in his comments on the *Absolution* in the "Communion Service"—'The *Priest* is to pronounce this *Absolution*, because to him, and not to the *Deacon*, it is said at Ordination, "whosoever sins ye remit, they are remitted;" unless the Bishop be present; and then for honour's sake, and in token of his spiritual superiority, this act of authority is reserved for him.'—(Quoted in MANT's *Com. Prayer* in loco. p. 309.)

BR. MANT states:—'When a *Deacon* officiates, a *Priest*, if there be one present, should pronounce the '*Absolution*'; if no *Priest* be present, the *Deacon*, should pass on to the Lord's Prayer, without inserting a Collect.' (p. 42.).—*Hor. Liturgica*.

\* They proposed that the word '*Minister*' should be substituted for '*Priest*.'

† SHEPHERD adds in a Note:—The '*Prayer*' that is commonly used by *Deacons*, is taken from the 'conclusion of the '*Communion*'. But if any were admissible, it is evident, I think, that the preference ought to be given to the Prayer which may be said after any of the former, and in correct copies stands before the Prayer for the Parliament. It may with peculiar propriety be called a '*precatory Absolution*.' (p. 50. Note).

The REV. W. MASKELL cites several Canons of the early English Church against the unwarranted hearing of Confessions, and giving of Absolution, &c., 'because,' he adds, 'in certain cases of great necessity, and in those only, power to do so was given to *Deacons* by a Provincial Constitution of Abp. Edmond. "De pœnitentia præcipimus: quod *Diaconi* pœnitentias dare non præsumant, nisi in his casibus: cum *Sacerdos* non potest, vel absens est: vel stulte, vel indiscrete non vult: et mors imminet ægroto." It would seem to be allowed only that the Confession should be heard; no power of giving *Absolution* was granted, or the semblance of it; and in fact, these extreme cases did not place a *Deacon* in a higher position than, under the same circumstances, a mere layman.' For thus LYNWOOD says, . . . Et hoc verum, ad ostendendum fidem Sacramenti. Sacramentum tamen deficit, quia "nullus potest vere absolvere nisi *Sacerdos*," (*lib. iii. tit. 24.*).—*Mon. Rit. iii. cix.*

DR. BURN says:—"It is not clear from the *Rubric* in the Book of Common Prayer, whether or how far a *Deacon* is prohibited thereby to pronounce the *Absolution* . . . And here we may observe the ambiguous signification of the word *Priest* . . . sometimes it is understood to signify a person in *Priest's* Orders only; at other times, and especially in the *Rubric*, it is used to signify the *person officiating*, whether he be in *Priest's*, or only in *Deacon's* Orders: and, in general, the words *Priest*, *Minister*, and *Curate*, seem indiscriminately to be applied throughout the *Liturgy*, to denote the *Clergyman* who is officiating, whether he be *Rector*, *Vicar*, *Assistant Curate*, *Priest*, or *Deacon*. But the argument to evince that the *Priest only*, and not a *Deacon*, hath power to pronounce the *Absolution*, seemeth most evidently to be deduced from the acts of *Ordination* . . . To the *Deacon*, it is said; "Take thou authority to read the Gospel . . . and to Preach": to the *Priest*, it is said; "Receive the Holy Ghost . . . Whose sins thou dost forgive, they are forgiven; and whose sins thou dost retain, they are retained."—*Eccl. L. Phil. iii. 59.*

II. *Consecrating the Elements of the Lord's Supper.* This is denied to the *DEACON* by Statute Law.

In 13 & 14 Car. II. c. 4. s. 14. it is enacted:—"No person whatsoever shall presume to consecrate and administer the Holy Sacrament of the Lord's Supper, before such time as he shall be ordained *Priest* . . . under penalty of £100, one half thereof to be paid to the King, and the other half to be divided between the Poor and the Informer; and be disabled from taking or being admitted into the Order of *Priests*, by the space of one whole year then next following."

\* \* This prohibition does not extend to *Foreigners* (s. 15.); nor to *Protestant Dissenters*, who are relieved by the 'Toleration Act.' (1 Will. & Mary, c. 18. s. 8.).

III. *Pronouncing the Blessing* at the dismissing of the Congregation, beginning with '*The Peace of God, &c.*,' and which will be found at the end of the "Communion Service," is to be done in accordance with the Rubric, which says, '*Then the Priest (or Bishop if he be present), shall let them depart with this Blessing.*' The Deacon, therefore, is prohibited from the use of this form; and, should neither a Priest, nor a Bishop be present, he may dismiss the Congregation after his Sermon, with the *Benedictory Prayer* adopted from 2 Cor. xiii. 14., beginning with, '*The Grace of our Lord, &c.*' If an *Officiating Priest* be present, it is his duty to pronounce '*The Blessing.*'

Dr. BISSE:—'The Rubric orders the Blessing to be given "*by the Priest, or Bishop if present*": so that it ought not to be pronounced 'by a Deacon, much less by the People.'—(Quoted in MANT'S *Com. Pr.* in loco.)

IV. *Holding a Benefice, or any Ecclesiastical Preferment.* This is forbidden by Statute Law.

By 13 Eliz. c. 12. s. 3. 'No person shall be admitted to 'any Benefice with Cure except he then be of the age of 23 years, 'and a Deacon.....;' and it directs further that every person admitted to a Benefice with cure shall be admitted to Minister the Sacraments 'within one year after his introduction, if he be 'not so admitted before, under pain of deprivation.'

But by 13 & 14 Car. II. c. 4. s. 14. this restriction is extended:—'No 'person whatsoever shall be capable to be admitted to any 'Parsonage, Vicarage, Benefice, or other Ecclesiastical promotion 'or dignity whatsoever.....before such time as he shall be 'ordained Priest.....under Penalty of £100.: half to the King, 'and half to be divided between the Poor, and the Informer.' (see WATSON'S *Clergy. L.* p. 141.

As a DEACON you may hold a *Curacy, Chaplaincy, Lectureship, or Readership*; should it occur, therefore, that before you are *twenty-four years of age*, or are in *Priest's Orders*, you are presented to a Benefice, or an Incumbency fall to you by inheritance, or otherwise, to which you would wish yourself to be presented (which is usually done on your own '*petition*' to the Bishop, for no Patron can present himself), a period of *six calendar months*, exclusive of

the day of Avoidance, is allowed before the Patron's right to present *lapses* to the Bishop by default. You may, therefore, have the power probably of becoming duly qualified for Institution before the expiration of this period, and can in the mean time make provision for the wants of the Parish; but in such a case, I recommend you to consult with your Bishop.

DR. BURN states:—‘Until a person is admitted to the order of Priesthood; he is not capable of any Benefice or Ecclesiastical promotion. (GIBS. Cod. 126.).... Neither is a person that is ‘merely a Layman, or that is only a Deacon, capable of a ‘Donative’: ‘for although he who hath a ‘Donation’ may come into the same ‘by lay donation, and not by admission and institution yet his ‘function is spiritual.’ (1 Inst. 344.)....’ So that he who is no more ‘than a Deacon can only use his Orders either as a Chaplain to ‘some family, or as a Curate to some Priest, or as a Lecturer without ‘Title: for the Prebendaries of some Prebends in Cathedral and ‘Collegiate Churches are to read Lectures there, by the appointment of the Founders thereof, and may from thence be called ‘Lecturers; but these places are of the number of Ecclesiastical ‘promotions, to which the Incumbents are admitted by Collation or ‘Institution, of which a Deacon, as aforesaid, is therefore not ‘capable.’—*Eccles. L. Phil. iii. 60.*

### MUST CONTINUE A DEACON ONE YEAR.

You will find by the *Rubric* at the end of the Service for the ‘Making of Deacons,’ that you are required to continue a Deacon *one entire year* at the least:—

- ¶. ‘And here it must be declared unto the Deacon, that he must ‘continue in that office of Deacon the space of a whole year ‘(except for reasonable causes it shall otherwise seem good unto ‘the Bishop), to the intent he may be perfect, and well expert in ‘the things appertaining to the Ecclesiastical Administration. ‘In executing whereof, if he be found faithful, and diligent, he ‘may be admitted by his Diocesan to the order of Priesthood, at ‘the times appointed in the Canon (31st), or else, on urgent ‘occasion, upon some other Sunday, or Holy-Day, in the face ‘of the Church, in such manner and form as is prescribed in the ‘Liturgy.’—*Rubric at the end of the Ordination Service for Deacons.*

Should any circumstances occur causing you to leave your Curacy during the period of your Diacon-

ate, by no means remove out of the Diocese, or you will find it very difficult to obtain *Priest's Orders* from any other Bishop than the one who admitted you into *Deacon's Orders*. You may perhaps be induced to leave by ill-health, by dissatisfaction with your Curacy, by disagreement with your Incumbent, or by the temptations of some proffered Chaplaincy, or other such preferment. Let ill-health be the only imperative reason; patiently endure the others, and forego the last. For you will perceive on applying to another Bishop, that you may be required to continue *one year more* in *Deacon's Orders*, even should your explanations be reasonable, and satisfactory. Endeavour, however, in such a case as this to act in concert, and with the approbation of the Bishop who ordained you Deacon. His testimonial, should it be absolutely necessary to quit his Diocese, can remove the impediments to your migration into another.

From a decree of Pope *Innocent*, A. D. 404. we may learn what was the ancient usage in this respect:—‘That none be ordained in haste, nor made Deacons or Priests before they have been a good while in the inferior Orders. *Can. 32.*’—*JOHNSON'S Vade Mecum.* iii. p. 261.

Dean Comber writes with respect to continuing a Deacon *one year*:—‘The reason of this is so evident, that all Churches have founded such a like order upon it: for the custom hath ever been, to keep the *Deacons* for some time in that office, that they may be perfect and expert in Ecclesiastical administrations, before they go higher. Hence the Canons here and elsewhere, strictly forbid the ordaining of any one both Priest and Deacon in one day. In several ages of the Church the time between these Orders hath been various. Of old it was much longer. Later Councils agree with us, and fix the time to *one year*. But so that both they and we leave it to the Bishop's prudence, who upon reasonable causes, that is, the extraordinary merit of the person, the evident profit of the Church, or some urgent necessity, may ordain some men sooner. Though ordinarily it is much better to make them stay the year of probation in this first Order: besides, this keeps up that apostolical and primitive distinction of the three Orders, which by no means ought to be broken or confounded.’—(Quoted in *MANT'S Book of Com. Pr.* p. 693.).

## NONE TO BE MADE DEACON AND PRIEST IN ONE DAY.

By the 32rd *Canon* no one can be hurried through his Diaconate into the Priesthood: upon sufficient reason, however, being shown to the Bishop, he may depart from the general rule:—

‘The office of *Deacon* being a step or degree to the Ministry according to the judgement of the ancient Fathers, and the practice of the primitive Church; we do ordain and appoint, that hereafter no Bishop shall make any person, of what qualities or gifts soever, a *Deacon* and a *Minister* (i. e. *Priest*) both together upon one day; but that the order in that behalf prescribed in the Book of Making and Consecrating Bishops, Priests, and Deacons, be strictly observed. Not that always every Deacon should be kept from the Ministry for a whole year, when the Bishop shall find good cause to the contrary; but that there being now four times appointed in every year (*Canon 31.*) for the Ordination of Deacons, and Ministers (Priests), there may ever be some time of trial of their behaviour in the office of Deacon, before they be admitted to the order of Priesthood.’—*Canon 32.*

In ABP. SANCROFT’S *Articles for the better regulation of Ordination* &c. A. D. 1685. we read that the Bishops ‘will ordain no man (of what qualities or gifts soever) both Deacon and Priest in one day, nor any man Priest, until he shall have continued in the office of a Deacon the space of a whole year, and behaved himself faithfully and diligently in the same. And if upon urgent occasion, it shall for reasonable causes seem good unto the Bishop to shorten that time, yet even in that case, there being four times of Ordination in the year, he shall give the Deacon’s Order in the end of one Ember Week; and (if the case may bear that delay), the Priest’s Order not till the next ensuing; or in the utmost necessity, not till the Sunday, or Holy-day, next following; and that too not without a faculty. But in the same day none shall be made both Deacon and Priest, that some decent shadow at least or footstep of so ancient and laudable a practice may be however retained and observed amongst us.’—CARDWELL’S *Doc. Ann.* ii. 305.



## Priest's Orders.

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ESTABLISHED in your Curacy, it will perhaps be well for you, as early as possible, to obtain from the Bishop's Examining Chaplain a list of the subjects in which you will be examined for *Priest's Orders*, so that you may employ what leisure hours you may have in preparing them. You must not expect to have much time at your disposal: the Occasional Duties of your Parish, the Pastoral Visiting, the Overlooking of the Schools, the Composition of your Sermons for the Sunday; and possibly, Daily Service, and an additional Lecture or Discourse on some day in the week, will deny you the luxury of deep reading, and leave but few opportunities for connected study.

The kind of Letter you may address to the *Examining Chaplain* on this subject is annexed:—

‘——, ——shire, March 1st, 1852.

‘Reverend Sir,

‘I am desirous of employing what leisure time I have in preparing myself for the Examination for *Priest's Orders*, so as to be eligible for the Bishop of ——'s Ordination in —— next; may I, therefore be allowed, thus early, to enquire in what subjects it will be necessary for me to be proficient?

‘I have the honor to be,

‘Reverend Sir,

‘Your obedient, humble Servant,  
‘C \* \* \*, D \* \* \*.’

‘To the Reverend

‘A \* \* \* B \* \* \*’

&c. &c. &c.

You will receive in reply something similar to the following :\*—

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\* The Subjects for Examination both for *Deacons*, and *Priests*, differ exceedingly in the various Dioceses. The requirements of one Bishop are given on the next page, but they will convey a very inadequate idea of what another may demand.

'——— shire, ——, 1852.

'Dear Sir,

'The Bishop of —— requires Candidates for Priest's Orders to possess a competent knowledge of

- '1. Greek Testament; especially the Epistles.
- '2. Pearson on the Creed: the Notes as well as the Text.
- '3. Church History; more particularly the periods embracing the first five Centuries, and the Reformation.
- '4. The Scripture History.

'His Lordship is desirous also, that Candidates for *Priest's Orders* should be acquainted with the Hebrew text of the Book of Genesis, although he does not insist on that as a *sine qua non*.

'I beg to remain,

'Dear Sir,

'Yours very faithfully,

'A \* \* \*, B \* \* \*.'

'To the Rev. C \* \* \*, D \* \* \*.'

As the time advances towards the close of the *first year* of your Diaconate, when you will be privileged to become a Candidate for Priest's Orders, provided you are under no engagement with your Diocesan to continue a longer period to officiate in the capacity of a Deacon, it will be necessary before you present yourself to the Bishop to communicate to his lordship, *a month or two* previously, your intention of offering yourself for the Priesthood at such and such an Ordination; on the supposition, of course, that you feel satisfied with your proficiency in the subjects specified for the Examination.

You may adopt the style of Letter used in applying for Deacon's Orders, given in a preceding *page*, (substituting the term *Priest's* for *Deacon's*); or some such words as these:—

'——— shire,

'March 5th, 1852.

'My Lord Bishop,

'It is my intention, with your Lordship's permission, 'to offer myself as a Candidate for *Priest's Orders* at your Lordship's ensuing Ordination; the year of my Diaconate having then expired.

'I have the honor to be,

'My Lord Bishop,

'Your Lordship's most obedient,

'Humble servant,

'C \* \* \* D \* \* \*.'

'To the Right Reverend

'The Lord Bishop of ——.'

The Bishop, or his Secretary, will answer this communication, and direct you to forward to one, or the other, within a certain time, the NECESSARY PAPERS, which you will find enumerated below : in doing so, omit not to state distinctly the place of your *residence*, and the nearest *Post Town*.

### PAPERS FOR PRIEST'S ORDERS.

THE NECESSARY PAPERS for Priest's Orders are of a precisely similar character to those required for the Ordination of *Deacons* : viz :—

1. The 'SI QUIS.'
2. LETTERS TESTIMONIAL from three Beneficed Clergymen.
- Sometimes 3. The NOMINATION, or TITLE.
4. The LETTERS OF DEACON'S ORDERS.
5. A CERTIFICATE OF BAPTISM.

\* \* The Paper No. 3. will be required when a *fresh Licence* is necessary; and Nos. 4, and 5, are wanted in addition *only when* the Candidate for the *Priesthood* has been ordained into *Deacon's Orders* by the Bishop of *another Diocese*.

I. The 'SI QUIS,' as in the case of Deacon's Orders, is the notice publicly given in the Church of your Parish of your intention to offer yourself a Candidate for *Priest's Orders* at the next Ordination of the Bishop. It must be accompanied with a CERTIFICATE, signed by the *Officiating Minister*, and one or both of the *Churchwardens*, or other respectable members of the Congregation should no *Churchwarden* have been present, attesting its due publication. Should you yourself officiate, the language must be altered from the *third* person to the *first* : thus—

#### FORM OF THE 'Si Quis.'

'NOTICE is hereby given, that (I) C \* \* \* D \* \* \*, B.A.,  
(or other degree) of ——— College, Cambridge, (or Oxford &c.),

'and now resident in this Parish, intends (*intend*) to offer himself (*myself*) a Candidate for the holy office of a *Priest* at the ensuing Ordination of the Lord Bishop of ———; if any person knows any just cause or impediment for which he (*I*) ought not to be admitted into *Priest's Orders*, he is now to declare the same, or to signify the same by letter forthwith to the Lord Bishop of ———.'

(*Here follows the Certificate.*)

'We do hereby certify, that the above Notice was publicly read by the undersigned C \* \* \* D \* \* \*, in the Parish Church of ———, in the County of ———, during the time of Divine Service, on Sunday the ——— day of ——— instant (or last), and no impediment was alleged.'

'Witness our hands this ——— day of ———, in the year of our Lord, 18—.'

'C \* \* \* D \* \* \*, *Officiating Minister.*'

(Signatures.)

'E \* \* \* F \* \* \*, } *Churchwardens.*  
'G \* \* \* H \* \* \*, } *&c. &c.*

\* \* \* The '*Si Quis*' should be read from the '*Desk*' at the conclusion of '*Morning Prayer*;' and if any impediment be alleged, the *Officiating Minister* is bound to communicate the particulars immediately to the Bishop.

II. **LETTERS TESTIMONIAL.**—This is the document bearing evidence of your sound doctrine, and good life and behaviour, since your admission into Deacon's Orders. It must be signed by *three beneficed Clergymen*; of whom, the Incumbent conferring your Nomination should not be one. Should any of these Clergymen be beneficed in *another Diocese* than that in which you are about to be ordained Priest, their signatures must be *countersigned* by their respective Bishops.

This *Testimonial* is required by *Canon 34*; and by *13 Eliz. c. 12. s. 5.*; and with regard to the Bishop's counter-signature, this we find enforced in the "*Book of Advertisements*" of 1564, thus:—

'And that the sayde Ministers, if they remoove from one Dioces to another, bee by no means admitted to serve without testimonye of the Diocesan, from whence they come, in writing 'of theyre honesty and ability.'—CARDWELL'S *Doc. Ann.* i. 293. (See also under '*DEACON'S ORDERS*,' *supra*.)

The Form is similar to that used for *Deacon's Orders*, (see *supra*), and is as follows:—

*Form of Letters Testimonial of three Beneficed Clergymen.*

‘To the Right Reverend A \* \* \*, Lord Bishop of——.’

‘Whereas, our well-beloved in Christ, C \* \* \* D \* \* \*, B. A. (or other degree), of —— College, Cambridge, (or Oxford), hath declared to us his intention of offering himself a Candidate for the sacred office of a *Priest*, and for that end hath requested of us Letters Testimonial of his good life and conversation. We therefore whose names are hereunto subscribed, do testify that the said C \* \* \* D \* \* \*, has been *personally known* to us for the space of —— months (or years) last past; that we have had opportunities of observing his conduct; that during the whole of that time we verily believe that he lived piously, soberly, and honestly; nor have we at any time heard anything to the contrary thereof; nor hath he at any time, so far as we know or believe, held, written, or taught, anything contrary to the doctrine or discipline of the United Church of England and Ireland; and moreover, we believe him, in our consciences, to be, as to his moral conduct, a person worthy to be admitted to the sacred order of *Priests*.’

‘In witness whereof we have hereunto subscribed our names, this —— day of ——, in the year of our Lord, one thousand, eight hundred, and *fifty* ——.’

‘E \* \* \* F \* \* \*, *Rector* of ——.

‘G \* \* \* H \* \* \*, *Rector* of ——.

‘I \* \* \* J \* \* \*, *Perpetual Curate* of ——.

(Signatures, & Address.)

Should neither of the three attesting Clergymen have convenient opportunity within the time this document is required, to copy out this ‘*Form*,’ (which is the one usually adopted), you may, with their permission, write it out yourself, taking care to leave *blank spaces* where it is necessary that their handwriting should appear; and then present it for their perusal, and assenting signatures.

III. A NOMINATION, or TITLE, for *Priest’s Orders*, is only required when a removal to another Curacy renders a fresh *Licence* necessary. This may arise from some sudden change in the Incumbency, or other cause. Should you not be led by such circumstance to quit the *Diocese* in which you obtained *Deacon’s Orders*, there will probably be no difficulty in the case. The NOMINATION is as follows:—

(a) FORM OF NOMINATION FOR A TITLE,  
(where the Incumbent is Resident.)

'To the Right Reverend A \* \* \*, Lord Bishop of —.'

'These are to certify your Lordship, that I, A \* \* \* B \* \* \*,  
'*Vicar, (Rector, or Perpetual Curate, as the case may be), of*  
'—, in the County of —, and in your Lordship's Diocese of  
'—, do hereby nominate, and appoint C \* \* \* D \* \* \*,  
'*Bachelor of Arts, (or other degree), of — College, Cambridge*  
'*(or Oxford, &c.), to perform the office of Curate in my Church of*  
'—, aforesaid; and do promise to allow him the yearly  
'stipend of — pounds, to be paid by equal quarterly payments,  
'for his maintenance in the same, and I do hereby state that the  
'said C \* \* \* D \* \* \* intends to reside in the said Parish, (if  
'*not, say where), in a house, situate in — Street, (or, as the case*  
'*may be), distant from my Church about — mile: and that the*  
'said C \* \* \* D \* \* \* does *not* serve, nor intend to serve, as Curate  
'in any other Parish, has not any other Ecclesiastical preferment,  
'and does not officiate in any other Church or Chapel. (*if otherwise,*  
state the fact.).

(What follows, with the exception of the attesting clause, is only  
added when a Title is given.)

['And I do hereby promise, and engage with your Lordship, and  
the said C \* \* \* D \* \* \*, that I will continue to employ the said  
C \* \* \* D \* \* \* in the office of Curate in my said Church, until he  
shall be otherwise provided of some Ecclesiastical preferment;  
unless for any fault by him committed, he shall be lawfully  
removed from the same; and I hereby solemnly declare that I do not  
fraudulently give this certificate to entitle the said C \* \* \* D \* \* \*  
to receive Holy Orders, but with a real intention to employ him in  
my said Church, according to what is before expressed.']

'Witness my hand this — day of —, in the year of our  
'Lord, one thousand, eight hundred, and *fifty* —

'A \* \* \* B \* \* \*, Vicar of —

(Signature, & address.)

' — shire.'

(At the foot of the above, annex this '*Declara-*  
*tion,*' as required by 1 & 2 Vict. c. 106. s. 81.)

'We, the before named A \* \* \* B \* \* \*, and C \* \* \* D \* \* \*,  
'do declare to the said Lord Bishop of —, as follows; namely, I,  
'the said A \* \* \* B \* \* \*, do declare that I, *bonâ fide*, intend to pay,  
'and I the said C \* \* \* D \* \* \*, do declare that I, *bonâ fide*, intend  
'to receive, the whole actual stipend mentioned in the foregoing  
'Nomination, and statement, without any deduction or reservation  
'whatsoever.

'Witness our hands this — day of — in the year of our  
'Lord, one thousand, eight hundred, and *fifty* —.

'A \* \* \* B \* \* \*,

(Signatures.

'C \* \* \* D \* \* \*.'

(b) The FORM OF NOMINATION to a Curacy, when *no Title is given*, is the same as the above (a), where the Incumbent is *resident*; and as below (c), where the Incumbent is *non-resident*; with the omission, however, of the clause there specified as appertaining only to a Title.

(c) FORM OF NOMINATION FOR A TITLE.

(where the Incumbent is Non-resident).

'To the Right Reverend A \* \* \*, Lord Bishop of——.'

'These are to certify your Lordship, that I, A \* \* \* B \* \* \*,  
'Vicar, (Rector, or Perpetual Curate) of——, in the County of——,  
'and in your Lordship's Diocese of——, do hereby nominate  
'C \* \* \* D \* \* \*, Bachelor of Arts, (or other degree), of——College,  
'Cambridge, (or Oxford, &c.), to perform the office of Curate in my  
'Church of——, aforesaid, and do promise to allow him the yearly  
'stipend of——pounds, to be paid him by equal quarterly payments,  
'with the Surplice fees, amounting on an average to——pounds per  
'annum (if allowed); and the use of the Glebe house, garden, and  
'offices, free from all rates, taxes, and other charges, which he is  
'to occupy': (if otherwise, state in what manner, or why the Glebe  
house, garden, &c. are unoccupied; and, if there is no Glebe  
house, state where, and at what distance from the Church, the  
Curate intends to reside). 'And I do hereby state to your Lord-  
'ship, that the said C \* \* \* D \* \* \* does not intend to serve as  
'Curate in any other Parish, has not any other Ecclesiastical  
'preferment, and does not intend to officiate in any other Church or  
'Chapel, (if otherwise, state it); that the net annual value of my  
'said benefice, estimated according to 1 & 2 Victoria, c. 106.  
'ss. 8. 10., is——pounds, and the population thereof, according to  
'the last Census, made under the authority of Parliament, (or, as  
'stated in the Clergy List for 18—), is——. That there is only one  
'Church belonging to my said Benefice, (if more, state it), and that  
'I was admitted to the said Benefice on the——day of——, 18—.'

(What follows, with the exception of the attesting clause, is only  
added when a Title is given).

['And I do hereby promise, and engage with your Lordship,  
and the said C \* \* \* D \* \* \*, that I will continue to employ the  
said C \* \* \* D \* \* \* in the office of Curate in my said Church,  
until he shall be otherwise provided of some Ecclesiastical pre-  
ferment, unless, for any fault by him committed, he shall be  
lawfully removed from the same; and I hereby solemnly declare,  
that I do not fraudulently give this Certificate to entitle the said  
C \* \* \* D \* \* \*, to receive Holy Orders, but with a real intention  
to employ him in my said Church according to what is before  
expressed.']

'Witness my hand this——day of——, in the year of our  
'Lord one thousand, eight hundred, and fifty——.'

'A \* \* \* B \* \* \* Vicar of——  
'——shire.'

(Signature, & Address)

(At the foot of the above, annex this '*Declaration*,' as required by 1 & 2 *Vict. c. 106. s. 81.*)

'We, the before named A \* \* \* B \* \* \*, and C \* \* \* D \* \* \*, do declare to the said Lord Bishop of —, as follows; namely, 'I the said A \* \* \* B \* \* \*, do declare that I bonâ fide intend to pay, and I the said C \* \* \* D \* \* \*, do declare that I, bonâ fide, intend to receive, the whole actual stipend mentioned in the foregoing Nomination, and statement, without any abatement in respect of rent, or consideration for the use of the Glebe house, garden, and offices, thereby agreed to be assigned, (if this be the fact), and without any other deduction or reservation whatsoever.'

'Witness our hands this — day of —, in the year of our Lord one thousand, eight hundred, and fifty—.'

'A \* \* \* B \* \* \*.'  
(Signatures.)

'C \* \* \* D \* \* \*.'

The two *remaining* Papers (Nos. 4, and 5.) are only requisite when the Candidate for the Priesthood was admitted into Deacon's Orders by the Bishop of some other Diocese. In this case, it is incumbent upon the applicant to request of the Bishop into whose Diocese he is about to enter, the honor of an interview, in order that he may inform him of the nature of the Curacy he has lately served, the length of time he officiated in it, and fully explain the circumstances which have led to his leaving it, and have given rise to this unusual application. He will be careful also to be provided with his '*Letters of Deacon's Orders*.' Should the reasons adduced prove satisfactory, he will then be desired to forward to the Bishop in addition to the Papers numbered I. II. and III., the following:—

IV. The LETTERS OF DEACON'S ORDERS, which are the document on parchment (see *Index*), proving his formal and legal admission into the holy office of a Deacon, and testifying the *time* when, the *place* where, the *Bishop* by whom, and the *Title* on which, he was so ordained. These, however, will be returned after the requisite information has been transcribed from them.



V. A CERTIFICATE OF BAPTISM, or DECLARATION made before a magistrate (see *supra*), to afford proof that the applicant has arrived at the age of *twenty-four* years: for any one under that age is disqualified both canonically (by *Canon* 34), and legally (by 13 *Eliz. c. 12*; and 44 *Geo. III. c. 43. s. 1.*), from admission into *Priest's Orders*. (See *Index*).

### EXAMINATION, AND ORDINATION.

ON the receipt of these documents you will be informed *when*, and *where*, you are to present yourself for *Examination*. Let me recommend you to be punctual in your attendance, and to be provided with *Gown*, and *Bands*, as directed at your Examination for Deacon's Orders.

After the Examination, it will be intimated by the Bishop's Chaplain at what hour, and place, you will be expected to be in readiness for *Ordination* on the Sunday following. In accordance with these instructions make your appearance with your *Gown*, *Bands*, and the *Hood* agreeable to your degree (*Can. 25.*). Should, however, *Surplices* be required, as is usually the case, they will be provided by the Cathedral officials as at the previous Ordination, to the account of which I must refer you.

### LETTERS DIMISSORY.

SHOULD any circumstances render it necessary that you should be in *Priest's Orders* before the time arrives appointed by your Diocesan for his next Ordination, the Bishop concurring in the urgency of the case will grant you LETTERS DIMISSORY to some other Bishop; by virtue of which authority that other Bishop will ordain you to the Priesthood. (See the like case in respect of DEACONS, *supra*).

## ORDINATION OF PRIESTS.

It should be strongly urged upon you before you present yourself to the Bishop for Ordination to read over seriously and carefully the Service for the *Ordering of Priests*, that your mind may be thoroughly prepared for so solemn a proceeding.

The same *Subscription, Declaration, and Oaths*, as in the case of the Ordering of Deacons, are to be made, and taken, in like manner by Candidates for Priest's Orders. After which, the Bishop, assisted by *three priests* at the least, as directed by the 35th Canon, will invest you, by the laying on of hands, with 'authority to preach the Word of God,' and to consecrate, and 'administer the Holy Sacraments 'in the congregation where thou shalt be lawfully 'appointed;' provided, that is, (in accordance with the 36th Canon, see *supra*), you have a *Licence* to exercise that authority. See also Canon 32. *supra*.

## LETTERS OF PRIEST'S ORDERS.

THE *Ordination* concluded, you will receive from the Bishop's Secretary, *Letters of Priest's Orders*, a parchment document, similar to the one presented to you at your admission to the Office of Deacon; describing the Bishop ordaining, the person ordained, the place where, and the time when, such ordination to the *Priesthood* occurred. It is in the following form:—

## FORM OF LETTERS OF PRIEST'S ORDERS.

'By the tenor of these Presents,  
'We, A \* \* \*, by Divine Permission Bishop of — ,  
'do make it known unto all Men, that on Sunday the  
'— day of — in the year of our Lord, one thousand,

‘ eight hundred, and fifty — , We, the Bishop before-  
 ‘ mentioned, solemnly administering Holy Orders,  
 ‘ under the protection of the Almighty in our Cathedral  
 ‘ Church of — , did admit our beloved in Christ  
 ‘ C \* \* \* D \* \* \*, B.A., of — College, Cambridge,  
 ‘ (of whose virtuous and pious Life and Conversation,  
 ‘ and competent Learning and Knowledge in the Holy  
 ‘ Scriptures, we were well assured) into the Holy Order  
 ‘ of Priesthood, according to the manner and form  
 ‘ prescribed and used by the Church of England; and  
 ‘ him, the said C \* \* \* D \* \* \*, did then and there  
 ‘ rightly and canonically ordain Priest, he having first  
 ‘ in our presence freely and voluntarily subscribed  
 ‘ to the Thirty-Nine Articles of Religion, and to the  
 ‘ three Articles contained in the Thirty-sixth Canon;  
 ‘ and he likewise having taken the Oaths appointed by  
 ‘ Law to be taken for and instead of the Oath of  
 ‘ Supremacy. In Testimony whereof, We have caused  
 ‘ our Episcopal Seal to be hereunto affixed the day  
 ‘ and year above written, and in the — year of our  
 ‘ Consecration.’

‘ A \* \* \*

(Episcopal Seal.)

B \* \* \*

## LICENCE.

Should this be required, it will be precisely similar to the Form given at the Ordination of DEACONS, or as in the appointment to a ‘ CURACY,’ *infra*.

## FEES FOR ORDINATION.

As observed with respect to Deacon’s Orders, so in regard to the Priesthood; there are no Fees

directly bearing on the act of Ordination; but there are certain expences connected with the Secretary's duties, such as for Correspondence, preparing Forms, &c., which it is natural should fall upon the persons benefited, and in whose behalf those duties are performed. These expences, taking one Diocese with another, amount on the average to about *fifty* or *sixty shillings*, including the *ten shillings* demanded for the *Licence*: when a *Licence* is not required, there will be a diminution to that amount.

### REMOVING.

Having been thus advanced to the holy office of a *Priest*, you are still to remember that a Curate is generally expected to remain the *first two years* after his admission into Holy Orders in the Diocese in which he was ordained. Should you have any desire therefore to *remove* into another Diocese before the expiration of that period, it is necessary that you first obtain the sanction of the Bishop who ordained you, as well as of the Bishop into whose Diocese you are solicitous of entering, as you will find enjoined in the 48th *Canon* in these words:—

After speaking of the necessity of having a *Licence*, it proceeds — ‘And the said Curates and Ministers, if they *remove* from ‘one Diocese to another, shall not be by any means admitted to ‘serve without *testimony* of the Bishop of the Diocese, or Ordinary ‘of the place, as aforesaid, whence they came, *in writing*, of their ‘honesty, ability, and conformity to the Ecclesiastical Law of the ‘Church of England.’—*Can.* 48.

On the other hand, at the expiration of the first twelvemonth following your admission to the Priesthood, you are at perfect liberty, should no specific contract interfere, to seek some fresh engagement. Not that this is in all cases to be recommended. Wandering about from Curacy to Curacy, merely for the sake of change, is wrong in principle, and injurious in fact. It not only retards the full development of your aptitude for the Ministerial work, but also interferes materially with the practical efficiency of your pulpit teaching, and your pastoral

labours: and, I may add, in no small degree interrupts your future advancement. Above all, let not fastidiousness or caprice impel you to such a step; much less allow yourself in so great a matter to be swayed by a captious irritability. If you should yield to these infirmities of our nature, where are the Christian character, and the Christian example to be found, when seen to be so palpably wanting in the Christian Minister? Should you, however, be induced to attempt a change by motives in every way correct, and reasonable, allow me to urge you to the perusal of the few remarks offered to those enquiring for a 'Title' (*supra*), before you definitively re-engage yourself; after which, the following chapter for the guidance of the 'STIPENDIARY CURATE,' and explanatory of his *legal* position, will be useful to you.

### INDELIBILITY OF ORDERS.

I WOULD now strongly impress upon you, that when you are once in HOLY ORDERS, those ORDERS are *indelible*.

According to *Canon 76* :—

'No man being admitted a Deacon or Minister shall from thenceforth voluntarily relinquish the same, nor afterward use himself in the course of his life *as a layman*, upon pain of excommunication. And the names of all such men, so forsaking their calling, the Churchwardens of the Parish where they dwell shall present to the Bishop of the Diocese, or to the Ordinary of the place having Episcopal jurisdiction.'—CAN. 76.

DR. BURN says:—'In a case where it was supposed that *Ordination* had been illegally conferred upon a Candidate who had not attained the age of 24 years, SIR. W. SCOTT, (*Lord Stowell*) was consulted as to whether evidence of this fact would be admitted in order to show that an act done by him as Priest was null and void?' *Opinion* given: "It appears to me that the *Ordination* would be conclusive as to all legal qualifications of the party, and that evidence could not be received to show that it had been illegally conferred and was invalid.—*Nov. 1794*. "WM. SCOTT."—*Eccl. L. Phil.* iii. 41.

The *indelibility* of HOLY ORDERS is thus affirmed by *Sir John Dodson* :—

'(1) I am of opinion that a *Priest in Holy Orders* of the Church of England, although styling himself a *Seceder* from that Church, and being in fact a voluntary seceder therefrom, may be committed to prison for contempt of Court in preaching as a *Dissenting Minister*, contrary to the lawful monition of the Court.'—(2) It is quite obvious that neither *deposition* from Holy Orders, *degradation*, or *excommunication*, can confer on a Clergyman a legal right to officiate or preach as a *Dissenting Minister*.—(3) I think that if the Bishop were to *degrade*, or *depose*, a Clergyman from Holy Orders, he might be liable to the penalties imposed by the Statute 41 *Geo. III. c. 63.*, if he attempted to sit in the Commons House of Parliament.—(4) I am of opinion that *excommunication* would not entirely release a Clergyman from his Priestly character so as to give him the *status* of a layman.'—in *re Shore. Doctors' Commons, August 28th, 1848.*

## The Stipendiary Curate.

WHEN admitted to Deacon's Orders on a 'Curacy with a Title,' you become a '*Curate*' in the ordinary sense of the word; and on your admission to the *Priesthood*, you are in Clerical phraseology a Clergyman in '*full orders*.' Properly speaking, however, a '*Curate*' is that Clerk, be he who he may, who has the 'cure of souls;' a sense adopted in the 'Prayer for the Clergy and People' in the Liturgy. In the general acceptation of the term it is limited to the Minister, who, not being a *beneficed* Clergyman, exercises the spiritual office in a Parish under the Incumbent, whether as an *assistant*, or as his *locum tenens* in case of absence. This contracted meaning of the word '*Curate*' arose, Dr. Cardwell informs us, about A. D. 1665, when ABP. SHELDON so applied it to the subordinate Clergy in his '*Orders and Instructions*' to the Bishops of his province, concerning Ordinations, &c. But Mr. Robertson traces it to the time of Elizabeth.\*

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\* DR. CARDWELL'S words are:—'It is at this period (1665) that the word '*Curate*' obtained its modern meaning; and it is now introduced by the Archbishop into his Instructions, as the

In Ecclesiastical Law, CURATES are recognized as consisting of but two classes,—*Temporary*, and *Perpetual*.

Where the Incumbent is an Ecclesiastical person, and himself enjoys, wholly, or in part, the great and small Tithes, or Rent-charge, of a Benefice, the Clerk engaged to assist him is a '*Temporary Curate*;' and acquires such designation from the fact of his being "removable upon causes, and contingencies," over which he has no control, and against which he is allowed no opposing voice. Moreover, as his services are remunerated by such Incumbent at a fixed annual *Stipend*, approved by the Bishop, and regulated in certain cases by Act of Parliament, he is frequently styled a '*Stipendiary Curate*;' and, again, as the numerous Ministerial duties devolving upon such curate cannot be Legally and Canonically performed, and, therefore, not efficiently, unless he be possessed of the Bishop's *Licence*, he is when invested with that authority called a '*Licensed Curate*.' (See '*Licence*' *postea*.) When engaged to assist another Curate, the usual appellation given to such Clerk is that of an *Assistant*, or *Sub-Curate*.

'title of a distinct and subordinate office, having previously been 'applied generally to all Pastors and Ministers.'—*Doc. Ann.* ii. 271. n.

THE REV. C. J. ROBERTSON says:—'*Dr. Cardwell* ascribes the 'change (of meaning) to the time of the Restoration; but we find 'the Bishops of that day speaking of the term as having "anciently" 'signified a person "trusted by the Bishop with cure of souls," ' (*Conf.* 342.), so that the meaning must then have long been 'obsolete. *Andrewes* writes in his Notes (*Nicholls App.* 24)— "Ministri nunc appellantur, quos olim Ecclesia veriori nomine " *Curatos* dixit, propter animarum Curam. Non ergo subsidiarii " solum hic (in the Prayer for the Clergy), intelligendi, sed ipsi " quibus cura incumbit." The word is used in the present sense 'by Bancroft (*Doc. Ann.* ii. 122.); in the 69th Canon, (" *Curate* or " *Substitute* ") and by the Bishops of 1584. (*Doc. Ann.* i. 418—9.). 'And, still earlier, in 1562, we find mention of "Parsons, Vicars, " or *their Curates*." (*Synod* 504.) I conjecture that the change 'may have been introduced at the settlement under Elizabeth, 'when, from the scarcity of qualified Incumbents, the class of 'Subsidiaries was very greatly increased.'—*How shall we Conform to the Liturgy*, p. 40. n.

But where the entire proceeds of a Benefice fall to a *Layman*, who stands in the capacity of both Rector, and Vicar, the Clerk appointed by the *Impropriator* to the 'Cure of Souls,' and to officiate in such Benefice in matters spiritual, is termed a 'PERPETUAL CURATE,' because equally irremovable with a Beneficed Clergyman. The same distinctive appellation is used to denote the Incumbent of certain new District Churches, erected under the Church Building Acts.'

As my business, however, is with the *Stipendiary* or *Licensed Curate* only, I will confine myself to those points in which he is more particularly concerned. At the same time, I would premise, that the personal considerations entertained on the part of the Incumbent in so important a matter as the engagement of a Curate will be treated of hereafter.

Before a Curate can perform *continuously* and *permanently* the duties of his office, he must of necessity obtain a *Licence* from the Bishop in whose Diocese he is about to officiate, as is directed at the beginning of the 36th, and 48th *Canons*. The latter runs in these words :—

'No Curate or Minister shall be permitted to serve in any place without Examination and Admission of the Bishop of the Diocese, or Ordinary of the place, having Episcopal jurisdiction, *in writing under his hand and seal*, having respect to the greatness of the cure, and meetness of the party &c.'—*Can.* 48.

This implies, according to the judgment of Sir John Nicholl in the case of *Gates v. Chambers*, (Rep. 2 *Ad.* 189.) a '*Licence to a Cure*,' in contradistinction to the '*Licence to Preach*' referred to in the *Canons* 49—52; which latter Licence has been erroneously thought by some to be represented by our present '*Letters of Orders*;' but it is more usually incorporated in the ordinary '*Licence to a Cure*.' Distinct *Preaching Licences* have become obsolete; except such as are granted to Lecturers, and to specific appointments in the Universities. (See *Canon* 36: and *Index Vol. c.*)

But it would be desirable in the generality of cases when you have a Curacy under consideration to



ask permission of the Bishop to take the Curacy on a kind of *trial* for a definite period, such as a month, or two. The consent of the Incumbent to such a proposition having of course been first obtained. By this proceeding opportunities will be presented both to yourself, and to the Incumbent, which may satisfactorily determine whether you and he can work together with unity of purpose, and singleness of will; and whether the numerous other circumstances connected with the Curacy, such as those to which I have particularly alluded when speaking of procuring a 'Curacy with a Title,' are in accordance with your desires, and capabilities.

You must bear in mind, however, that while performing spiritual duties in any Parish to which you are *not* licensed, either "now and then, or on some particular occasion, but for *no continued time*," you do not hold the position, nor possess the claims of a Curate, but are merely the '*Officiating Minister*,' for the time being. In attesting therefore any Certificates, or other Parish documents, you should be careful to annex such designation to your signature.

On the supposition, that after such trial a mutual understanding has been arrived at, it will be necessary that you immediately communicate the fact to the Bishop, when you will be directed to forward to his Lordship the following Papers, without which no *Licence* can be granted you.

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#### CURATE'S PAPERS FOR A LICENCE.

1. The NOMINATION.
2. LETTERS TESTIMONIAL from *three Clergymen*.
3. LETTERS TESTIMONIAL from the *Bishop*.
4. LETTERS OF ORDERS.

I. The NOMINATION appointing you to the Curacy must assume one of the following Forms,

according as the Incumbent is *Resident*, or *Non-Resident*. The chief points to be enumerated are (1) the persons contracting; (2) the place; (3) the stipend; (4) the residence; (5) the Cures served; (6) the value of the Benefice; (7) the population; (8) the date of the Incumbent's admission; (9) and his Signature. To which must be annexed (10) the Declaration; (11) and the Signatures of both parties. If the *Nomination* is to serve as a '*Title for Orders*,' adopt the Form given in preceding pages.

(a) FORM OF NOMINATION TO A CURACY.

(where the Incumbent is Resident.)

'To the Right Reverend A \* \* \*, Lord Bishop of——.'

'These are to certify your Lordship, that I, A \* \* \* B \* \* \*,  
'*Vicar, (Rector, or Perpetual Curate, as the case may be), of——,*  
'in the County of——, and in your Lordship's Diocese of——,  
'do hereby nominate, and appoint C \* \* \* D \* \* \*, *Bachelor of*  
'*Arts (or other Degree), of—— College, Cambridge (or Oxford,*  
'*&c.) to perform the office of Curate in my Church of——*  
'aforesaid; and do promise to allow him the yearly stipend of——  
'pounds, to be paid by equal quarterly payments, for his maintenance in the same, and I do hereby state that the said C \* \* \*  
'D \* \* \* intends to reside in the said Parish\* (if not, say where),  
'in a house, situate in—— *Street, (or, as the case may be), distant*  
'from my Church about—— mile: and that the said C \* \* \*  
'D \* \* \* does not serve, nor intend to serve, as Curate in any other  
'parish, has not any other Ecclesiastical preferment, and does  
'not officiate in any other Church or Chapel.' (if otherwise, state the fact.).

'Witness my hand this—— day of——, in the year of our  
'Lord, one thousand, eight hundred, and fifty——

(Signature, & Address) 'A \* \* \* B \* \* \*, *Vicar of——,*  
'——shire.'

(At the foot of the above, annex this '*Declaration*,'  
as required by 1 & 2 *Vict. c. 106. s. 81.*)

'We, the before named A \* \* \* B \* \* \*, and C \* \* \* D \* \* \*,  
'do declare to the said Lord Bishop of——, as follows; namely,  
'I, the said A \* \* \* B \* \* \*, do declare that I, bonâ fide, intend to  
'pay, and I the said C \* \* \* D \* \* \*, do declare that I bonâ fide,

---

\* As required by 1 & 2 *Vict. c. 106. s. 76.*

'intend to receive, the whole actual Stipend mentioned in the foregoing Nomination, and statement, without any deduction or reservation whatsoever.

'Witness our hands this — day of —, in the year of our Lord, one thousand, eight hundred, and *fifty* —.

'A \* \* \* B \* \* \*'

(Signatures.)

'C \* \* \* D \* \* \*'

(b) FORM OF NOMINATION TO A CURACY.

(where the Incumbent is Non-resident.)

'To the Right Reverend A \* \* \*, Lord Bishop of —.'

'These are to certify your Lordship, that I, A \* \* \* B \* \* \*,  
'*Vicar, (Rector, or Perpetual Curate)* of —, in the County of  
'—, and in your Lordship's Diocese of —, do hereby  
'nominate, and appoint C \* \* \* D \* \* \*, *Bachelor of Arts, (or*  
'*other degree)*, of — *College, Cambridge (or Oxford, &c.)*, to  
'perform the office of Curate in my Church of —, aforesaid, and  
'do promise to allow him the yearly stipend of — pounds, to  
'be paid him by equal quarterly payments, *with the Surplice fees,*  
'*amounting on an average to — pounds per annum (if allowed);*  
'*and the use of the Glebe house, garden, and offices, free from all*  
'*rates, taxes, and other charges, which he is to occupy :*' (if otherwise  
'state in what manner, or why, the Glebe house, garden, &c. are  
'unoccupied; and, if there is no *Glebe house*, state where, and at  
'what distance from the Church, the Curate intends to reside.)  
'And I do hereby state to your Lordship, that the said C \* \* \*  
'D \* \* \* does not intend to serve as Curate in any other Parish,  
'has not any other Ecclesiastical preferment, and does not intend  
'to officiate in any other Church or Chapel, (if otherwise, state it);  
'that the net annual value of my said benefice, estimated according  
'to 1 & 2 *Vict. c. 106. ss. 8. 10.*, is — pounds, and the popula-  
'tion thereof, according to the last Census, made under the  
'authority of Parliament, (or, as stated in the *Clergy List* for 18—,)  
'is —. That there is only one Church belonging to my said  
'Benefice, (if more, state it), and that I was admitted to the said  
'Benefice on the — day of —, 18—.'

'Witness my hand this — day of —, in the year of our Lord, one thousand, eight hundred, and *fifty*—.'

'A \* \* \* B \* \* \*, *Vicar of —,*

(Signature, & Address)

'—shire.'

(At the foot of the above, annex this '*Declaration,*' as required by 1 & 2 *Vict. c. 106. s. 81.*)

'We, the before named A \* \* \* B \* \* \*, and C \* \* \* D \* \* \*, do  
'declare to the said Lord Bishop of —, as follows; namely, I  
'the said A \* \* \* B \* \* \* do declare that I *bonâ fide* intend to  
'pay, and I the said C \* \* \* D \* \* \* do declare that I *bonâ fide*  
'intend to receive, the whole actual Stipend mentioned in the  
'foregoing Nomination, and statement, without any abatement in

'respect of rent, or consideration for the use of the Glebe house, garden, and offices, thereby agreed to be assigned, (if this be the fact), and without any other deduction or reservation whatsoever.'

'Witness our hands this — day of —, in the year of our Lord, one thousand, eight hundred, and fifty—.'

'A \* \* \* B \* \* \*'  
(Signatures.) 'C \* \* \* D \* \* \*'

If the appointment is to a *Chapel-of-Ease*, the following Form will be necessary.

(c) FORM OF A CURATE'S NOMINATION TO A  
CHAPEL-OF-EASE.

*This Form, taken from Burn's Eccl. Law (Phillimore's Ed. II. 57.), is also used for a PERPETUAL CURACY.*

'To the Right Reverend A \* \* \*, Lord Bishop of—.'

'A \* \* \* B \* \* \*, Rector of —, in the County of —, and Diocese of —, sendeth greeting. Whereas, the Curacy of —, in the County of — and Diocese of —, is now void by the death, (resignation, or removal) of E \* \* \* F \* \* \* Bachelor of Arts (or other degree) last Curate there, and doth of right belong to my Nomination. These are humbly to certify your Lordship, that I do nominate C \* \* \* D \* \* \*, Bachelor of Arts (or other degree) Clerk, to the Curacy aforesaid; requesting your Lordship to grant him your Licence for serving the said Cure.'

'In witness whereof I have hereunto set my hand and seal, this — day of —, in the year of our Lord, one thousand, eight hundred, and fifty—.'

(Signature, & Seal) 'A \* \* \* B \* \* \*'

II. LETTERS TESTIMONIAL are to be obtained with respect to your 'good life and conversation,' attested by *three* beneficed Clergymen, who have known you for the *three years* last past; or *since* your Ordination, if your acquaintance has not been of so long a date. This Testimonial is usually in the Form annexed.

*Form of Letters Testimonial of three Beneficed Clergymen.*

'To the Right Reverend A \* \* \*, Lord Bishop of—.'

'We, whose names are here under-written, testify and make known that C \* \* \* D \* \* \*, Clerk, Bachelor of Arts (or other

'degree), of — College in the University of —, nominated to  
'serve the cure of —, in the county of —, hath been personally  
'known to us for the space of *three years* last past (or *since his*  
'*Ordination*); that we have had opportunities of observing his  
'conduct; that during the whole of that time we verily believe that  
'he lived piously, soberly, and honestly, nor have we at any time  
'heard anything to the contrary thereof; nor hath he at any time,  
'as far as we know or believe, held, written, or taught, anything  
'contrary to the Doctrine or Discipline of the ~~United~~ Church of  
'England, ~~and Ireland~~, and moreover we believe him in our con-  
'sciences to be, as to his moral conduct, a person worthy to be  
'Licensed to the said Curacy.'

'In witness whereof we have hereunto set our names, this  
'— day of —, in the year of our Lord, one thousand, eight  
'hundred, and *fifty*—.'

A \* \* \* B \* \* \*, Rector of —,  
C \* \* \* D \* \* \*, Vicar of —,  
E \* \* \* F \* \* \*, Vicar of —.

(Signatures, & Address.)

\* \* \* When all, or either, of the subscribing Clergymen are not  
beneficed in the Diocese in which your Curacy is situated, their  
Signatures must be *counter-signed* by their respective Bishops: and  
it should be remembered that the Incumbent conferring the  
Nomination ought not properly to be one of the Subscribers to this  
Testimonial.

The *Counter-signature* of the Bishop is usually  
written at the foot of this document, or on the back,  
or 'fly leaf' of it; and will be couched in some such  
words as the following (the *Copy of an original*) if  
no objections are taken, and no peculiarity of circum-  
stances call for further remark:—

'The Subscribers to this *Testimonial* are Beneficed Clergymen  
'in the Diocese of —, and are worthy of credit.'

'A \* \* \*.

'— Palace, May 2nd, 1856.'

III. LETTERS TESTIMONIAL from your *Diocesan*  
will also be necessary as evidence of your ability,  
moral fitness, and soundness in doctrine. This was  
one of the Injunctions of the 'Book of Advertise-  
ments' of Elizabeth (of 1564); and is now especially  
enforced; thus:—

'That the sayde Ministers, if they remove from one Dioces  
'to another, bee by no means admitted to serve without testimouye  
'of the *Diocesan*, from whence they come, in writing of theyre  
'honesty and ability.'—CARDWELL'S *Doc. Ann.* i. 293.

IV. Your 'LETTERS OF ORDERS' must also be enclosed. These are the two parchment documents given at your admission into *Deacon's*, and *Priest's Orders*. They will be returned to you: as they are the Vouchers of your Ordination, and are likely to be demanded again at some future period.

#### SUBSCRIPTION, DECLARATION, AND OATHS.

Soon after the transmission of these Papers, you will be required, should they prove satisfactory, either to wait upon the Bishop in person to go through the necessary preliminaries before being licensed; or a '*Commission*' will be issued to some neighbouring Incumbent to act in his Lordship's stead. At this interview, whether you attend on the Bishop, or on the Commissary, you will be called upon.

1. To *subscribe* the XXXIX ARTICLES, and the III ARTICLES in the 36th Canon (as mentioned *supra*.)
2. To make *Declaration* of your CONFORMITY TO THE LITURGY. (See *supra*).
3. To take the OATHS (*supra*).
  - (a) Of *Allegiance*.
  - (b) Of *Supremacy*, and
  - (c) Of *Canonical Obedience*.

#### THE DECLARATION OF CONFORMITY.

A CERTIFICATE of your having made the '*Declaration of Conformity*' will be presented to you, which you will be requested to preserve. If made before the Bishop, it will take the Form given under "DEACON'S ORDERS," *supra*; if made before the Commissary, it will run in the following Form:—

##### CERTIFICATE OF DECLARATION OF CONFORMITY BY COMMISSION.

(To be kept by the party making the same).

'I C \* \* \* D \* \* \*, Clerk, B. A., do declare that I will conform to the Liturgy of the United Church, of England and Ireland, as it is now by Law established.'

(Signature) 'C \* \* \* D \* \* \*.'

'To all Christian People to whom these presents shall come,  
'The Reverend A \* \* \* B \* \* \*, Rector of —, and Rural Dean,  
'Greeting.'

'Know ye that the abovesaid C \* \* \* D \* \* \*, previous to his  
'being Licensed to the Cure of the Parish of —, in the County  
'of —, and Diocese of —, did, on the Day of the Date hereof,  
'personally appear before me (Commissary for this Purpose  
'specially appointed by the Right Reverend Father in God A \* \* \*,  
'by Divine permission, Lord Bishop of —), and before he was  
'Licensed thereto, did make and subscribe the Declaration above  
'written.

'En Testimony whereof, the Seal of the said Lord Bishop  
'is hereunto affixed, and I have subscribed the same this — day  
'of —, in the year of our Lord, one thousand, eight hundred, and  
'fifty—.'

(Episcopal Seal.)

A \* \* \*, B \* \* \*.

(Commissary).

## THE LICENCE.

The *Commissary* upon this will immediately communicate with the Bishop, who will instruct his Secretary to forward to you a *Licence*, similar to that given under a 'CURACY WITH A TITLE,' *supra*; or something after the following FORM. The Bishops do not confine themselves to a set 'precedent'; the *Licence* annexed is a copy of a printed Form used in another Diocese, and contains a 'revoking' clause, and authority to *Preach*, with other particulars.

## FORM OF LICENCE.

'A \* \* \* by Divine permission, BISHOP of —, to our beloved  
'in Christ, C \* \* \* D \* \* \*, Clerk, Greeting. We do by these  
'presents give and grant unto you, in whose fidelity, morals, learning, sound doctrine, and diligence, we do confide, our Licence and  
'faculty (to continue only during our pleasure and revocable  
'summarily without process), to perform the Office of Stipendiary  
'Curate in the parish Church of —, in the County of —, and  
'our Diocese of —, to which you are duly nominated to us by the  
'Reverend E \* \* \* F \* \* \*, Clerk, the Incumbent of the said  
'Church, in reading the Common Prayer, and performing other  
'Ecclesiastical duties belonging to the said Office of Curate,  
'according to the form prescribed in the Book of Common Prayer,  
'made and published by the authority of Parliament of this  
'Kingdom of Great Britain, and the Canons and Constitutions  
'in that behalf lawfully established and promulged; and also

‘publicly to *preach* the Word of God, and expound the Holy Scriptures, and not otherwise, or in any other manner, you having first subscribed and sworn to all things in this case by Law, required to be subscribed and sworn to. And we do hereby assign and appoint unto you for your maintenance in the said Cure the yearly *Stipend* of — Pounds, and *Surplice Fees* (if so), to be paid you *Quarterly* (or *Half yearly*), by the said Incumbent of the said Church.

‘Provided always, that during the time you shall be licensed to serve any other Church or chapel, the *Salary* to be received by you for serving the Church to which you are hereby licensed as aforesaid, shall be less by the sum of — Pounds per Annum than the *Salary* hereby assigned and appointed unto you

‘You residing at —’ (*here follows a description of the locality of the residence*).

‘In Testimony whereof we have caused the Seal which we use in this behalf to be affixed to these presents. Dated the — day of — in the year of our Lord, one thousand, eight hundred and —, and in the — year of our Consecration.’

(*Episcopal Seal.*)

‘A \* \* \* B \* \* \*.’

A copy of this *Licence* will be sent to the Registry Office of the Diocese, whence it will be transmitted to the Churchwardens of your Parish, to be deposited in the Parish chest, as required by the Act, 1 & 2 *Vict.* c. 106. (See *postea*). The only expence attached to these proceedings will be the usual demand of *ten shillings* for the *Licence*.

Within *three months* after receiving your *Licence* you will be required to read publicly in the Church from the ‘Desk,’ at the conclusion of ‘Morning Prayer,’ the above *Declaration of Conformity*, as well as the *Certificate* of your having subscribed the same in the presence of the Bishop, or his Commissary, as the case may have been; in accordance with the Act 13 & 14 *Car.* II. c. 4. s. 11., (See *Index*.)



# Practical Hints

## TO THE STIPENDIARY CURATE.

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MATTERS of detail connected with the performance of the *Divine Services*, and of the *Occasional Duties*, both according to the ordinary and general practice, and the peculiarities adopted in particular districts, will be found in the '*Volume*,' entitled '*THE OFFICIATING MINISTER.*' In the mean time a few Practical Hints may not be unserviceable to the Stipendiary Curate.

### I. *As Assistant to a Resident Incumbent.*

As the more usual position of a Curate is to assist, and co-operate with, a *resident* Incumbent, I cannot but recommend that you should place yourself unreservedly under his direction with respect to the performance of the *Church Services*, and other matters connected with your Ministerial duties, and strive not only to conform to his wishes with promptitude and decision, but zealously endeavour to carry out the plans devised and perfected by his maturer judgment, and more enlarged experience; and which very probably were first set on foot at his individual expence, and have been since maintained by heavy and continued charges upon his private purse. I allude particularly to the Schools, Missionary Associations, Benefit Clubs, Charitable Societies, District Visiting, and so forth. If you are but young in your position, this course will be of material benefit to you, by putting you in the way of a systematic performance of your duties.

I am not of course advocating a suppression of all private opinion, nor imposing silence on your individual judgment. Nor do I enjoin, in matters of greater moment, a servile adherence to the decisions of your Incumbent, which may by possibility involve you in consequences you might have permanent cause to deplore; or, at least, bring you into a position of embarrassment, either in relation to your people, or to your Bishop. Not that your Incumbent would designedly place you in such a dilemma, nor expect you to rush inconsiderately, or unwillingly, into acts environed with doubts, and difficulties. I advert here to the Rites, Ceremonies, and Discipline, of the Church of England, as they stand with respect to the *Rubrics*, and the directions of the *Statute Law*; and to the difference of position between the Clergy, and the Laity, with regard to the requirements of the *Canon Law*. This, however, will appear as I proceed. But permit me to urge you in your intercourse with your Incumbent ever to exhibit due modesty of deportment, and proper diffidence in advancing an opinion. Should you be a man of 'high spirit,' do not forget you are also a Christian gentleman, and a Minister of God: and if, perchance, it be your lot to fall under the control of a haughty and imperious temper, and by a distant coldness you are apparently kept aloof from social intimacy, and made *to feel* your position to be of lower standing—it may be almost that of a menial—it is with pain I have to confess that such has been, and not unfrequently is now the case—remember for your guidance the dispute in the Gospel 'who should be the greatest.' (*Mark ix. 34.*). Therefore be firm in principle; be zealous in the performance of your duties; be scrupulously exact in your temporal transactions; and maintain that upright and noble bearing, that becoming dignity so essential to the character of the Clergyman of the Church of England, and so approving to the discriminating sense of your Parishioners.

Points of *Doctrine*, as I have before observed, do not come within the scope of my remarks. You have in this, the Divine Exponent, 'Search the Scriptures,' and likewise the '*Articles*,' and the '*Liturgy*.' In any difference of interpretation between yourself and your Incumbent, show, by carefully listening to every argument he may advance, that you possess Christian humility enough to be as willing to learn, as you are apt to teach.

With regard to your *general demeanour* and your intercourse with your people, the rule of St Paul "to be made all things to all men," will, rightly understood, be your surest guide. To win the confidence of each member of your flock, it will be necessary for you to identify yourself with the position of each. To be able to sympathize with them, you must understand their circumstances and feelings. They will open their hearts to you in their trials and distresses when they are convinced that the interest you take in them is hearty and sincere. Without any unseemly prying into family affairs, you may easily become so far acquainted with the domestic condition of most of your people as to be capable of advising, comforting, and directing them on numerous occasions. And nothing tends more effectually to dispel the reserve which often exists between the Minister and his Parishioners, than the discovery that in *their* homes, he too is at home, and has a cordial concern for the well-being of each.

While as a well-bred man you respect the ordinary '*convenances*' of society, as a Minister of Christ you will not permit them to interfere unduly with your solemn duties. There are rules of conventional etiquette which you are excepted from observing. Doors will be opened to you at times when the rest of the world is excluded, if you are known as a kind comforter, a wise counsellor, and a faithful pastor. Seasons of affliction, of sickness, and bereavement, will make the visits of the Clergyman acceptable as they are appropriate, and give occasion for him to fulfil his

mission with the greatest effect. You will not need the formality of a summons to secure your presence at such times ; nor will you forget the discretion and the tenderness with which they then require to be treated. Seize on all opportunities that may bring you into closer intercourse with your flock. The absence of an habitual attendant from the Church, or from the Lord's Table, furnishes you with a reason for a special visit, and for such inquiries, exhortations, or rebukes, as the occasion demands. So, too, if a child fails in attendance at School, kind inquiry proves to the parents the interest you take in the welfare of their children, and opens to you the way for impressing upon them their own great responsibilities.

With respect to the *Upper classes* : the distinctions of *Rich* and *Poor* are indeed nothing in the sight of your Almighty Master ; and the souls of every class must needs be alike objects of deep concern to you, as they are alike precious to Him who redeemed them. But the mode of approaching your people in the exercise of your ministerial office must of necessity be varied, and regulated in a great degree by the established usages of social life.

In a general way, the difficulty of access to the hearts and consciences of your Parishioners will be in the ratio of their wealth and station. While your visits to the Poor may be timed almost by your own convenience, you can never expect the same degree of freedom, or anything approaching to it, with the *Rich*. Your language and demeanour towards persons, who may possibly be more refined and of superior social position to yourself, must present no offensive contrast with their own. In dealing with such persons, a want of delicacy, of consideration, and especially of modesty, may deprive you both of the support and countenance of influential parishioners, and of the valuable opportunities you might have enjoyed of setting before them things far more precious than this world's riches, and more elevated than this world's rank. Bear yourself with that manly independence, that thorough self-respect, which be-

comes your sacred office; despise, as you should do, everything that savours of fawning and servility: but beware also of the other extreme—a character for censoriousness, for presumption, for obtrusive interference in matters that do not immediately concern you, and for undue pertinacity and forwardness in those that do. Be the Christian gentleman, a term that comprehends far more than mere conventional politeness.

Your intercourse with the *Middle* and *Trading Classes* will be obstructed by hindrances peculiar to them. Men of business can seldom find much leisure for the calm and satisfactory consideration of the “things that are eternal.” “Buying, and selling, and getting gain,” constitute an occupation too engrossing for most of those concerned in it, to allow them to think of religion otherwise than as the business of the Sunday, when the shop and the counting-house are closed. It behoves you to be very judicious with this important portion of your charge; not to force yourself upon their attention at inconvenient hours, so as to interrupt an established routine, or suspend the press of business. Time your visits well, and they will be acceptable. On this head, however, there will be more to be said when we treat upon ‘DISTRICT VISITING.’

As it is in these, and the Upper classes that you will find those with whom you can associate on terms of equality, it is suitable to this part of our subject to say a few words about *entering into society*. To be upon the best terms with your people, and to maintain your own cheerfulness and elasticity of spirits for their sakes and your own, it is good that you should occasionally join their social parties. That this should be done sparingly your own sense of duty will suggest to you; that it should be done with judicious selection is due to your own comfort and respectability. Beware of rushing into sudden intimacies, and accepting invitations and civilities hastily, when you enter your Parish. Those are not always the most desirable

acquaintance, who are most forward in seeking yours. It has often been a serious embarrassment to a Clergyman to disentangle himself from connections formed in hurry and ignorance. A little time and experience will teach you, who amongst those around you are likely to prove most agreeable as associates, and valuable as friends: but beware of exciting jealousy and dislike by a capricious and unreasonable exclusiveness. Your company will be sought for; and must be bestowed both with judgment and moderation; otherwise you will certainly give offence in some quarters, and as certainly damage your own ability for usefulness in your important duties. Once drawn into a vortex of social visiting, you will hardly find a way to escape; your time will never be at your own command; the neglect of Parochial work, of necessary reading, and of quiet thought, will soon tell disastrously upon your Ministrations; nor will it be easy for your people to recognize in the boon companion a teacher of righteousness and a servant of Christ. But on your own mind the effect will be more grievous still. A taste for company, for dinner parties, for light amusements generally, is incompatible with a taste for seriousness and piety. Whoever has acquired the former will find his graver duties irksome, his solitary hours hang heavy on hand, prayer distasteful, zeal cold and dead. On every account, then, be frugal in bestowing yourself on society. As a Curate you have the valuable privilege of declining without giving reasonable offence; and are not expected to entertain company in return; were it otherwise you would find it no easy task to draw a line of demarcation between those with whom you would desire to associate upon such terms, and others by whom omission would be considered as a slight, and a ground for resentment.

Appear then *in company* but seldom; and when there, while perfectly courteous and affable, preserve at the same time a becoming gravity and sobriety of manner. The true dignity which belongs to you as a Clergyman has in it no unnatural stiffness and

formality; no affectation or grimace; it is the genuine result of a just conception of your position. Never look sternly at innocent mirth, or treat with harshness the harmless gaiety of young and lively hearts. But it is best that you should avoid joining yourself to boisterous merriment and sports, which may lower you in the eyes of many. You would then probably diminish the power which the presence of every Clergyman ought to possess, of checking all impropriety and excess in diversion, all "foolish talking and jesting, which are not convenient;" and every tendency of conversation to become either licentious or uncharitable.

With the *artizan*, and *labouring Poor*, the great body of your people, let your intercourse be frank and kindly; conducted neither with a condescending air of superiority, nor with affected familiarity. It will require time, and much and frequent communication, to break down the reserve which they naturally maintain in regard to a stranger, their superior in rank. Opportunities will occur to facilitate intimacy with them. Sorrow, or death in the family, the good or ill conduct of children at the school, the distribution of charities, and other such occasions will arise, to make them feel the tie that binds you to them. Encourage them to converse freely with you on their temporal as well as spiritual matters, whenever they volunteer such confidence; but remember that there is nothing they more cordially dislike, and very reasonably, than an inquisitorial scrutiny of their circumstances, especially if it be accompanied by a disposition to dictate, and lay down the law, on points whereon advice has not been directly sought.

On all occasions, and with all ranks of society, let your style of *dress and appearance* betoken your Clerical character; and let there be nothing in your general economy inconsistent with it. This, however, you will find treated of very fully in the Volume on "*Ecclesiastical Vestments*." (See also, *Canon 74*.) So too, in regard to all pecuniary

matters ; your conduct, where such are concerned, will decide the estimation which many will conceive of you. Your income may be small, but with the smallest there is no necessity for meanness. Your dealings with tradesmen may be insignificant, but let them be promptly settled. You cannot perhaps afford to be generous ; but you must be strictly just, or you cannot be respected.

But let us now look at your position in another respect, and in every way a more important one.

## II. *As Sole-Curate, the Incumbent Non-Resident.*

When the Incumbent is *Non-Resident*, much, if not everything, will probably be left to your own judgment and discretion, both as regards the regulation of all matters connected with the spiritual function, as well as the general management of the Parish. Here the practical experience of your Clerical brethren will often be of considerable advantage, and it is to afford this experience, particularly to JUNIOR INCUMBENTS, and CURATES generally, that the present work has been written.

Permit me to impress upon you, if a *sole* Curate, and indeed upon young *Incumbents*, that on entering upon a fresh charge, no *new schemes* should be suddenly attempted, nor *changes* of any kind hastily introduced. As a Curate, especially, you must remember, that although licensed to the place, and not to the person, you are yet expected, and with reason, to be under the control of that superior from whom you not only receive your Stipend, but the very power by which you are enabled to conduct the temporal matters connected with your Parish ; and who likewise provides the greater portion of the means necessary to the support of the local charities of your people. When any alteration is suggested by the activity of a fresh mind as likely to be an improvement and productive of good, and which may not be of sufficient importance to require the previous consideration of the absent



Incumbent, it should be undertaken gradually, and with extreme caution, least it in any way offend the scruples of the weaker brethren of your flock. Should this so happen—and the mere fact of its being a novelty may cause it to happen—it should at all events be suspended until those scruples be removed. I refer particularly to the introduction of Chanting, wholly or in part; the adoption of Intoning; the substitution of a Sanctus for the customary Psalmody; the wearing of the Surplice in the Pulpit; a division of the Services; a change of Psalm, or Hymn Books; and numerous other things of a like kind, perhaps never before known, or practised, in your Parish. These remarks will apply also to any alterations in the distribution of the Charities; or in the regulation of the Schools; interference in the appointment of Parish officers; and so forth. And these cautions you will find especially necessary, when you have to deal with the '*brusque*' idiosyncrasies of an illiterate country 'magnate,' or encounter the captious interference of a half-educated 'village squire.' Besides which, you may have also the difficult task devolving upon you of securing the contentment and equanimity of your absent Incumbent: and should the latter be the unfortunate subject of any bodily or mental infirmity, such as dyspepsia, hypochondriasis, or extreme nervousness and timidity, your task will be hopeless, if not impossible. In such proceedings, therefore, be extremely circumspect; for in the appeals from a querulous Parishioner to your Incumbent, he builds his presumption, in many instances, upon the fact of his "paying Tithe or Rent-charge to the *non-resident* Rector," and expects, therefore, that he shall be listened to. And so, the Incumbent hears, and too often, alas, the Curate suffers.

It may be your lot to succeed to a Parish in a state of thorough disorganization from the mismanagement or neglect of a predecessor, or possibly of ill-feeling against the Church, and everything allied to it, by reason of some unacceptable proceeding of

the Incumbent. This want of judgment and consideration may have also induced so morbid a feeling of suspicion at any attempted movement, as to preclude all hope of a successful issue to whatever beneficial measures you may propose, or a fair appreciation of any endeavours or sacrifice you may make, to redeem past negligence and errors. In this, and indeed in most cases, by no means think of acting independently of the *Laity*. You, and they, form but one social and religious body—are parts of the same whole. Let me advise you then in all matters in which the *Laity* participate, or have a joint interest, to admit them to your counsels. Feel your way beforehand throughout the whole length of your contemplated proceeding. Calculate not only upon the issue, if successful; but anticipate, and at the same time provide against, the consequences of failure, so that even if your measure be lost, your character and influence may not suffer detriment. There are many ways, which a conciliatory spirit will devise, by which you can ascertain the feelings and opinions of your people upon any proposed step without those direct appeals which may produce peremptory refusal; and you will find, generally, that the *Churchwardens* are the pulse, as well as mouth-piece, of the Parish. Bear in mind also that the *Churchwardens*, and *Parishioners*, are linked to the soil, and therefore bound up with its permanent interests, from which they will not readily disconnect any proceeding emanating from one like yourself, who are but temporarily connected with them. You, as a *Curate*, are merely, as it were, a bird of passage, and they know and feel it. Their opinion, therefore, in whatever matters they are entitled to have a voice, demands your consideration, and respect. Of course, I am not alluding here to what is exclusively spiritual.

In connection with this subject, I would say further, should a *measure of magnitude* and importance be in contemplation, which in case of failure would be

likely to compromise your *Incumbent*; or which, if attended with success, would entail additional labour and responsibility on a successor, who possibly might be devoid of the mental and physical ability necessary for carrying out, or continuing it; it is imperative upon you first to submit such a matter to the consideration of your *Incumbent*. With his sanction you can proceed without fear of blame. I am speaking here of the *minor functions* of your Ministerial office. When matters of greater moment, involving questions of *Doctrine*, and *Church Discipline*, are to be considered, let me urge you to be extremely careful of the course you may be led to pursue. The first authority to be consulted is necessarily the *Incumbent*; should this fail you, or happen to be unavailable, a last resource for settling any doubts and perplexities is open to you in your Diocesan, as you will find in the *Preface* to "the Book of Common Prayer," in the following words:—

'For the resolution of all doubts concerning the manner how to understand, do, and execute the things contained in this Book (*The Book of Common Prayer*); the parties that so doubt, or diversely take any thing, shall alway resort to the Bishop of the Diocese, who by his discretion shall take order for the quietness and appeasing of the same; so that the same order be not contrary to anything contained in this Book. And if the Bishop of the Diocese be in doubt, then he may send for the resolution thereof to the Archbishop.'—*Preface to Book of Common Prayer*.

Another point requires notice, and that is, the adoption of a *systematic course* of action. Without *plan* nothing can be done with decision and effect towards the perfect management of a Parish. Every hour should have its allotted task, and every duty its appointed time, laid down in detail, and, as far as possible, closely adhered to. You cannot understand the advantages of working upon a system until you have tried it. *Minutes*, economized and apportioned, will add hours to the day: *Houses*, mapped into streets and districts, will bring the area of a vast Parish, and its scattered dwellings, beneath a single glance: *Families*, and individuals, registered by name and residence, will place a multitude within your

memory, so that at any moment you may put your finger on one among a thousand, and know at once his station, character, and connections. The various forms of a '*Speculum Gregis*' will be presented to you in order.

What is said to you in these pages is grounded on the assumption that you have entered into Holy Orders with single and pure motives, and with a steadfast determination of heart to submit yourself to the guidance of that Holy Spirit by whom you at first professed yourself to be inwardly moved. Since, then, you have declared the work of the ministry to be the business of your life, make it so in reality. Enter into no *money-making speculations*; no *commercial* or adventurous schemes, which, as the least evil, would engross much of your thoughts and attention. It is true, that the temporal law of the Church forbids you to engage in such unsuitable pursuits (see *postea* under FARMING, TRADING, &c.); but much more strongly are you forbidden by the highest law not to entangle yourself unnecessarily in secular affairs, or the quest of worldly gain.

If it should happen that your means are not adequate to meet the demands of an increasing family, the taking of *Pupils* to 'bring them up in the nurture and admonition of the Lord,' may be allowed; provided the circumstances and extent of your Parish will admit of that abstraction of your time, which such additional engagements will require. But, as a *Curate*, this cannot be attempted by you without the express consent of your Incumbent. To do so might possibly be looked upon as a breach of faith, or even a dereliction of your duty. Permit me, then, to caution you in this, lest you should incur unmerited reproach from the want of a previous understanding upon the subject—of forethought, in fact, in regard to such contingencies arising as would necessarily demand an increase of income.

In addition to what has been already advanced, I would here remark that there are many points of Law, affecting the position of the *Incumbent* and his *Stipendiary Curate*, and the power of the Bishop in connection therewith, of which every Clergyman ought to be thoroughly informed, in order to prevent an interruption to the cordiality of action, and unity of purpose, so essential to the well-being of a Parish; and preclude personal unpleasantness, or misunderstanding. These will now come under our consideration.

The *Legal* information relating to the various subjects in connexion with the functions of the *Stipendiary Curate* is to be found chiefly in the Act, 1 & 2 Vict. c. 106., called the '*Pluralities, and Residence Act*;' which embodies the 57th Geo. III. c. 99.; and indeed comprises nearly the whole law bearing upon *Stipendiary Curates*. Its several enactments are annexed.

And it may not be out of place to explain at the same time the *Law* respecting those cases, where the Bishop has power to interfere with the ordinary privileges of an Incumbent, and himself to appoint a *Curate* absolutely.

For the convenience of ready reference these subjects, and others connected with them, have been arranged in *Alphabetical* order, as follows.

# Legal Enactments, &c.

AFFECTING THE

## STIPENDIARY CURATE.

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|--|--------------------------------------|
| 1. <i>Appointment by the Bishop.</i>   | 17. <i>Notice to Quit.</i>           |
| 2. <i>Arrest.</i>                      | 18. <i>Oaths, and Subscriptions.</i> |
| 3. <i>The Articles.</i>                | 19. <i>Ordination Costume.</i>       |
| 4. <i>Assistant Curate.</i>            | 20. <i>Parliament, Sitting in.</i>   |
| 5. <i>Canonical Obedience.</i>         | 21. <i>Rates, and Taxes.</i>         |
| 6. <i>The Canons.</i>                  | 22. <i>Registers.</i>                |
| 7. <i>Conformity to the Liturgy.</i>   | 23. <i>Residence.</i>                |
| 8. <i>Discipline.</i>                  | 24. <i>Revocation of Licence.</i>    |
| 9. <i>Exemptions.</i>                  | 25. <i>Serving Cures Limited.</i>    |
| 10. <i>Farming.</i>                    | 26. <i>Stipend.</i>                  |
| 11. <i>Fees.</i>                       | 27. <i>Substitute.</i>               |
| 12. <i>Foreign Clergy Officiating.</i> | 28. <i>Testimonials.</i>             |
| 13. <i>Indelibility of Orders.</i>     | 29. <i>Trading.</i>                  |
| 14. <i>Letters of Orders.</i>          | 30. <i>Vestry Meetings.</i>          |
| 15. <i>Licence.</i>                    | 31. <i>Visitations.</i>              |
| 16. <i>Nomination.</i>                 |                                      |

### 1. *Appointment by the Bishop.*

IN addition to the ordinary Nomination of a *Stipendiary Curate* at the option, or with the acquiescence of an Incumbent, there are certain cases in which the Bishop can *require* a Curate to be appointed, and, if neglected, make the appointment himself absolutely. These cases are *seven* in number, and are regulated by Act of Parliament.

I. *In Non-Residence.*—Where an Incumbent absents himself from his Benefice for a period exceeding *three months together*, or at *various times in one year* (unless with consent of the Bishop, or by legal exemption), without leaving one or more Curates to supply his place, the Bishop may *appoint a Curate*, and fix his *Stipend*.—‘Be it enacted that if any spiritual person holding any Benefice, who shall *not actually reside thereon nine months in each year*, (unless such person shall, with the consent of the Bishop from time to time, signified in writing under his hand, and revocable at any time, perform the Ecclesiastical duties of the same, he either *being resident on another Benefice* of which he shall also be the Incumbent, or *having a legal exemption* from residence on his Benefice, or *having a Licence* to reside out of the same, or to reside out of the usual house of Residence belonging to the same) shall for a period *exceeding three months altogether*, or to be accounted *at several times, in the course of any one year*, absent himself from his Benefice without leaving a CURATE, or Curates, duly *licensed or approved* by the Bishop to perform such Ecclesiastical duties,.....’ in every such case the Bishop is hereby authorized to *appoint* and license a proper CURATE, with such *Salary* as is by this Act allowed and directed, to serve the Church or Chapel of the Benefice in respect of which such neglect or default shall have occurred.—1 & 2 Vict. c. 106. s. 75.

II. *Also.*—In a *Vacancy*, and where the Non-Resident Incumbent neglects to notify the same *within a month*, the Bishop may appoint a Curate:—If any spiritual person ‘shall, for a period of *one month after the death, resignation, or removal* of any CURATE, who shall have served his Church, or Chapel, neglect to notify such death, &c. to the Bishop,.....In every such case the Bishop is hereby authorized to *appoint*’ &c. as in the last case.—*ib.*

III. *Also.*—In *Neglect*, i. e. where the Non-Resident Incumbent neglects to nominate a Curate *within four months*, the Bishop may appoint:—If any spiritual person ‘shall for the period of *four months after the death, resignation, or removal* of such CURATE, neglect to nominate to the Bishop a proper CURATE, in every such case the Bishop is hereby authorized to *appoint*, &c.’ as in the last case.—*ib.*

IV. *Inadequacy.*—When the duties are not adequately performed, the Bishop may require the Incumbent, whether resident or non-resident, to have a *Curate*; and if the Incumbent

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\* Where a succession of *full stops* occurs in any extract from an Act of Parliament, it implies the *omission* of some legal repetition not necessary to the general Reader; or of some extraneous matter not appertaining to the subject under discussion.

neglects to nominate one within *three months*, the Bishop may appoint:—‘Whenever the Bishop shall see reason to believe that the Ecclesiastical duties of any Benefice are *inadequately performed*, it shall be lawful for him to issue a *Commission to four beneficed Clergymen* of his Diocese, or if the Benefice be within his peculiar jurisdiction but locally situate in *another Diocese*, then to four beneficed Clergymen of such last-mentioned Diocese, *one* whereof shall be the *Rural Dean*, if any, of the Rural deanery or district wherein such Benefice is situated, directing them to *inquire* into the facts of the case; and it shall be lawful for the *Incumbent* of the said Benefice to *add* to such Commissioners *one other Incumbent* of a Benefice within the same Diocese; and if the said Commissioners, or the *major part* of them, *report*, in writing under their hands, to the said Bishop that in their opinion the *duties* of such Benefice are *inadequately performed*, it shall be lawful for such Bishop, if he shall see fit, by writing under his hand, *to require* the spiritual person holding such Benefice, though he may actually reside, or be engaged in performing the duties thereof, *to nominate* to him a fit person or persons, with sufficient *Stipend* or Stipends, to be licensed by him to perform, or to assist in performing such duties, specifying therein the grounds of such requisition: *and if* such spiritual person *shall neglect*, or omit to make such Nomination for the space of *three months* after such requisition so made aforesaid, it shall be lawful for the *Bishop to appoint* and license a CURATE or Curates, as the case shall appear to him to require, with such *Stipend* or Stipends as he shall think fit to appoint, *not exceeding* the respective Stipends allowed to Curates by this Act in the case of Non-resident Incumbents; *nor*, except in the case of negligence, exceeding *one half* of the net annual value of such Benefice; and such Bishop shall cause a *copy* of every such requisition, and the evidence to found the same, to be forthwith *filed in the Registry* of his Court; provided always, that it shall be lawful for any such spiritual person, *within one month* after the service upon him of such requisition to nominate a Curate, or of notice of any such appointment and licence of such Curate or Curates, to *appeal to the Archbishop* of the province, who shall approve or revoke such requisition, or confirm or annul such appointment, as to him may seem just and proper.—ib. sect. 77.

V. *Insufficiency*.—When in a large Benefice exceeding £500. per annum in value, with a population of 3000, or when there are two Churches within two miles of each other on the same Benefice with a less population, the Bishop may require the Incumbent to have a Curate; and if he fail to nominate one within *three months*, the Bishop may appoint:—‘Whenever the *annual value* of any Benefice, the Incumbent whereof was not in possession at the time of passing this Act (*August 14, 1838.*) shall *exceed* 500£, and the *population* thereof shall amount to 3,000 *persons*, or though the population do not amount to 3,000 *persons*, if there be in the said Benefice a *second Church or Chapel*, situated *not less than two miles* from the *mother Church*, and with a Hamlet or District connected with it containing 400 *persons*, it shall be



‘lawful for the Bishop, if he shall see fit, to require the spiritual person holding such Benefice, although he shall be resident thereon or engaged in performing the duties thereof, to nominate a fit and proper person to be licensed as a CURATE to assist in performing the duties of such Benefice, and to be paid by the person holding the same; and if a fit person shall not be nominated to the Bishop within three months after his requisition for that purpose shall have been delivered to the Incumbent, or left at his last or usual place of abode, it shall be lawful for the Bishop to appoint and license a CURATE, with such Stipend as he shall think fit to appoint, not exceeding the respective Stipends allowed to Curates by this Act, nor in any case exceeding one-fifth part of the annual net value of the Benefice; provided always, that such spiritual person may, within one month after service upon him of such requisition to nominate a Curate, or of notice of any such appointment of a Curate, appeal to the Archbishop of the province, who shall approve or revoke such requisition, or confirm or annul such appointment, as to him may appear just and proper.’—ib. sect. 78.

VI. For a *Third Service*.—Where the Church room is insufficient for the population, the Bishop may order a *Third Service*, and require a Curate to be appointed, who shall be paid by the *Letting of the Pews* for this additional Service, or by *Subscription*: in failure thereof within six months, the Bishop himself may appoint:—‘In any Parish or Extra-Parochial place in which it shall appear to the Bishop of the Diocese that the Churches or Chapels now existing, or which may be built or provided under any of the provisions of this Act, do not or will not afford sufficient accommodation for the Parishioners or inhabitants thereof to attend Divine Service.....and in which such Bishop shall be of opinion that it is expedient that additional accommodation should be provided for such purpose, and that such purpose would be answered by the celebration on Sundays, and on the great Festivals of a *third* or *additional Divine Service*, being either the Morning or Evening Service.....as shall be directed by the Bishop of the Diocese, with a Sermon, in the Churches or Chapels existing at the time of passing this Act, or by the celebration of a *third* or *additional Service* as aforesaid, with a *third Sermon*, in any Church or Chapel which may be built or provided under any of the provisions of this Act, it shall be lawful for such Bishop to require the Incumbent of every such Parish, District Parish, or Extra-Parochial place, to nominate to him a proper person to be licensed to serve as a CURATE in the existing Church or Chapels for the performance of such *additional* or *third Service* with a Sermon, or in any Church or Chapel which may be built or provided as aforesaid, for the performance of such *additional* or *third Service* with a *third Sermon*; and such Incumbent shall, within six months after such requisition, nominate such Curate to the Bishop to be licensed; and in default of such nomination, such Bishop is hereby empowered to nominate and license a proper Curate for the purpose aforesaid; and the said Bishop is hereby empowered to require the Churchwardens of every such Church or Chapel to let for the said *additional Service* such proportion of the Pews of such Church or Chapel, not being a Pew held by faculty

‘or *prescription*, and at such rates, as in the opinion of such Bishop shall be sufficient to afford a competent *salary* to such *Curate*; and such *Churchwardens* are hereby empowered and required so to let the same, and to *raise* and *levy*, in the manner directed by this Act, the *rents* from the persons who may take the Pews, *reserving* such number of sittings as *free-seats* as to such Bishop shall appear expedient, *not being less than one fourth*; provided always that if, in any Parish, District-Parish, or place as aforesaid, any number of persons shall represent to such Bishop that they are willing to provide *by subscription* such an annual sum as may be sufficient to afford a competent *salary* to a *Curate* for the performance of such *additional Service with a third Sermon*, and if the Bishop shall be of opinion that such mode of providing a salary for such Curate is more expedient than the raising of such salary by *Pew rents*, it shall be lawful for such Bishop, and he is hereby empowered, to *require the Incumbent* of such Church or Chapel to *nominate* a Curate to him as aforesaid, and *in default to appoint a Curate himself*: provided always, that *such Curate* so nominated and licensed for the performance of such third Service as aforesaid shall be *subject* to all jurisdiction, laws, statutes, and provisions, to which Stipendiary Curates are subject, except so far as relates to the amount of salary, and the mode of raising and paying the same, which shall be regulated according to the provisions of this Act.’—58 Geo. III. c. 45. s. 65.

If by *Subscription*, the next *Section* provides—

‘That in case of such provision for the performance of an additional or *Third Service* being made by *Subscription*, that *every person* so *subscribing*, being a Parishioner, shall have the option of *any Pew* in such Church or Chapel, not being a Pew held by faculty or *prescription*, for the time of such additional Service and Sermon, according to the amount of his or their respective subscriptions, or, in case of *equality* of the sums subscribed, according to the date of his or their Subscriptions, and shall continue to hold such Pew so long as he or they shall pay such subscription, and no longer: provided also, that if at any future time the whole amount of such *subscription shall fail* to produce such a sum as shall be deemed by such Bishop a competent salary for such Curate, such Bishop shall and may in such case authorize and require the *Churchwardens* to *raise* by *letting* a proportion of the *Pews* as aforesaid, such sum or further sums as may be sufficient for *making up* the said salary: provided always, that the *salary* to be given to such Curate for the performance of the said additional Service with Sermon, shall in no case, except when raised entirely by *Subscription*, exceed the sum of £80. per annum.’—ib. sect. 66.

VII. In *Sequestration* the Bishop is to appoint the Curate, or Curates :—‘In every case of which a Benefice shall be under *Sequestration*, except for the purpose of providing a House of Residence....., it shall be lawful to the Bishop, and he is hereby required, if the Incumbent shall not perform the duties of the said Benefice, to appoint and license a CURATE or Curates thereto, and to assign to him or them a *Stipend* or Stipends, not

'*exceeding*, in the case of any *one* such Curate, the highest rate of Stipend allowed by this Act, nor, where more than one Curate is appointed, a Stipend exceeding £100. to more than one such Curate; such Stipend or Stipends to be *paid by the Sequestrator* of such Benefice *out of the profits thereof*; provided always, that *not more than one Curate* shall be appointed to any such Benefice in any case in which there is not more than *one Church*, or the population does not exceed 2,000 *persons*.'—1 & 2 Vict. c. 106. s. 99.

*Apparel, &c.* See Canon 74, and Volume D.

## 2. Arrest.

If any *Curate*, or Incumbent, or other Clerk in Holy Orders, be so unfortunate as to be involved in any *civil process*, he is exempt from *Arrest* whilst engaged in, or going to, or returning from, the performance of the Divine Services. Under this expression is included carrying and administering the Sacrament to the Sick (*Cripp's L. of Church*, 64.). A *Chaplain in Ordinary to the Queen* is also exempt from *Arrest* on final process (*Winter v. Dibdin*. 13 M. & W. 25). This privilege does not extend to a *criminal process*.

'If any person shall *arrest* any Clergyman upon any *civil process*, while he shall be *performing* Divine Service, or shall, with the knowledge of such person, be *going to* perform the same, or *returning from* the performance thereof, every such offender shall be guilty of a Misdemeanour, and being convicted thereof, shall suffer such punishment, by fine or imprisonment, or by both, as the Court shall award.'—9 Geo. IV. c. 31. s. 23.

## 3. The Articles.

Subscription to the *Thirty-nine Articles* is required of all persons in Holy Orders both by *Canon*, and *Statute Law*. See the comments on CANON 36. *supra*.

CANON 5 directs:—'Whosoever shall hereafter affirm, that any of the *nine and thirty ARTICLES* agreed upon by the Archbishops and Bishops of both Provinces, and the whole Clergy, in the Convocation holden at London, in the year of our Lord God 1562, for avoiding diversities of opinions, and for the establishing of consent touching true Religion, are in any part superstitious and erroneous, or such as he may not with a good conscience subscribe unto; let

'him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his repentance, and public revocation of such his wicked errors.'

The *Statute Law* directs as follows:—

'None shall be made *Minister*, or admitted to Preach, or administer the Sacraments.....unless he first bring to the Bishop.....a testimonial.....of his professing the doctrine expressed in the said *Articles* (xxxix).....Nor shall be admitted to the Order of *Deacon* or *Ministry*, unless he shall first *subscribe to the said Articles*.'—13 *Eliz.* c. 12. s. 5.

'No person shall be, or be received as, a *Lecturer*, or permitted, suffered, or allowed to preach as a *Lecturer*, or to preach or read any Sermon or Lecture in any Church, Chapel, or other place of Public Worship within this Realm of England, or dominion of Wales, or town of Berwick-upon-Tweed, unless he.....shall in the presence of the same Archbishop, or Bishop.....read the *Nine and Thirty Articles* of Religion mentioned in 13 *Eliz.* c. 12. with declaration of his unfeigned *assent* to the same.'—13 & 14 *Car.* II. c. 4. s. 19.

#### 4. *Assistant Curate.*

An extensive and thickly populated Parish will often require, in addition to the Incumbent and one Curate, the aid of a *second*, or even a *third* Curate, adequately to perform its onerous, and multifarious duties. These auxiliaries are generally designated *Assistant*, or *Sub-Curates*: but their offices in some respects are supplied by the appointment of *Scripture Readers*, the regulation of which will be spoken of hereafter; as well as the '*Association*' in connection therewith, and the two Societies contributing to the supply of CURATES, viz: '*The Pastoral Aid Society*,' and '*The Society for Promoting the Employment of Additional Curates*.' The *Assistant Curate* is bound to obtain a licence, and the approval of the Bishop, before he can make any permanent engagement with an Incumbent. In some cases the appointment of an *Assistant Curate* is indispensable, thus:—

'Where the *population* of any Benefice shall exceed 2000 persons, it shall be lawful for the Bishop to require the Incumbent thereof to nominate to him *two persons* to be licensed as CURATES; and if such spiritual person shall neglect or omit to make such nomination for the space of *three months* after such requisition so made as aforesaid, it shall be lawful for the Bishop to appoint and

'license *two Curates*, or a Second Curate; and in all and every of such cases to assign to each Curate so nominated or appointed such *Stipend* as he shall think fit, *not exceeding together* the highest rate of Stipend allowed by this Act in the case of one such Curate, except in cases where the Incumbent shall consent to a larger Stipend: provided always, that such Incumbent may, *within one month* after service upon him of such requisition, or of notice of any such appointment of two Curates, or a Second Curate, *appeal* to the Archbishop of the province, who shall approve or revoke such requisition, or confirm or annul such appointment, as to him may appear just and proper.'—1 & 2 Vict. c. 106. s. 86.

### 5. *Canonical Obedience.*

Obedience to the Bishop in all things lawful and necessary for the well-being of the Church in respect of the order and decency of her Ministrations, and the maintenance of correct Doctrine, is required by *Oath* of all persons licensed to the 'Cure of souls,' (after the form and manner already given). At the time of *Ordination*, Deacons and Priests engage '*to obey their Ordinary, and other chief Ministers of the Church*' (see *Ordination Services*); similar obedience is enjoined in *Canon 54*. If refused, therefore, it can be enforced by the Ecclesiastical Courts, as in *Hodgson v. Dillon* (2 Cust. 388.); and in the late suit of *Hodgson v. Gladstone*. (See *Discipline*; and *Revocation of Licence*). The *Canon* runs thus:—

'If any man *licensed* heretofore to preach by any Archbishop, Bishop, or by either of the Universities, shall at any time from henceforth *refuse* to conform himself to the Laws, Ordinances, and Rites Ecclesiastical, established in the Church of England, he shall be admonished by the Bishop of the Diocese or Ordinary of the place, to submit himself to the use and due exercise of the same. And if, after such admonition, he do not conform himself within the space of *one month*, we determine and decree, *that* the Licence of every such Preacher shall thereupon be utterly void, and of none effect.'—*Canon 54*. (See next Article).

### 6. *The Canons.*

The *Canons* of 1603—4, which passed both Houses of Convocation, and were ratified by the King (*James I.*), are 141 in number, and are said to have

been arranged by *Bishop Bancroft*, and based upon the '*Book of Advertisements*,' of Queen Elizabeth (of 1564—5). Although some of them may in a great measure have become obsolete by modern customs and later Acts of Parliament, yet they are still *binding* on the *Clergy*, but not on the Laity. *Lord Hardwicke*, Lord Chief Justice of the King's Bench, finally settled the matter in his judgment in the case of *Middleton v. Crofts* (10 *Geo. II. A. D.* 1736.), where he says:—

'We are all of opinion that the *Canons of 1603*, not having been 'confirmed by Parliament do not *proprio vigore* (by their own force 'and authority) bind the Laity.'.....When, however, they are 'declaratory of the ancient usage, and law of the Church of England (*ante* 25 *Hen. VIII. c. 19*; *revived by 1 Eliz. c. 1.*) they will 'bind the Laity.....What is *new* in them will not bind the Laity; 'only the Clergy.' Further on, he adds, 'It is rigidly said in 2 *Salk.* '673, that the King's consent to a *CANON in re Ecclesiastica* makes 'it a Law to bind the Clergy, but not the Laity.'—(*Burns' Eccl. Law. Phil. p. xxvii.*) See also *Volume B.*

The *Canons of 1603—4*, however, cannot control the *Act of Uniformity of 1662*, (13 & 14 *Car. II. c. 4.*), nor any other Act of Parliament.

The *Canons of 1640—1*, made during the Archepiscopate of *Laud*, have neither the same force nor authority as those of 1603—4. The disputed right of *Convocation* to sit and frame *Canons after* the dissolution of Parliament, was the ground of their illegality at that period: and at the Restoration especial care was taken by the Parliament of that day that these *Canons* should not be confirmed. In the *Act, 13 Car. II. c. 12.*, it was enacted:—

'This Act, or anything therein contained, shall not extend, or 'be construed to extend to give unto any Archbishop, Bishop, or 'any other Spiritual or Ecclesiastical judge, officer, or other person 'or persons aforesaid, any power or authority to.....confirm the '*Canons made in the year 1640, nor any of them*, nor any other 'Ecclesiastical Laws, or Canons, not formerly confirmed, allowed, 'or enacted by Parliament, or by the established Laws of the Land 'as they stood in the year of Lord, 1639.'—*Sect. 5.*

\*. The authority of the Ecclesiastical Canons is treated fully in *Volume B.*

*Chaplain.*—postea; see *Index.*

*Churchwardens' duty during the Services.* See *Volume B.*

### 7. *Conformity to the Liturgy.*

For maintaining UNIFORMITY in Public Worship various *Statutes* have been passed, viz.;—

2 & 3 <i>Edw.</i> VI. c. 1. (1548—9).	13 & 14 <i>Car.</i> II. c. 4. (1662).
5 & 6 ..... c. 1. (1552).	( <i>explained by</i> 23 <i>Geo.</i> II. c. 28.)
1 <i>Eliz.</i> c. 2. (1558—9).	17 & 18 <i>Car.</i> II. c. 6. (1665).
13 ..... c. 12. (1570—1).	( <i>for Ireland</i> ).

but the Clergy of the present day are regulated by the Statute, 13 & 14 *Car.* II. c. 4. It is highly important that the *Stipendiary Curate* should be fully impressed with the sense he ought to attach to the 'DECLARATION OF CONFORMITY' made, subscribed, and publicly acknowledged by him in accordance with this enactment. The judgment of Sir John Nicholl in the case of *Newberry v. Goodwin*, is very elucidatory of this point:—

'The Law directs that a Clergyman *is not to diminish in any respect, or add to*, the prescribed form of Worship. Uniformity in this respect is one of the leading and distinguishing principles of the Church of England; *nothing is left to the discretion and fancy of the individual*: for if every Minister were to alter, omit, or add, according to his own taste, this Uniformity would soon be destroyed; and though the alteration might begin with little things, yet it would soon extend itself to more important changes in the Public Worship of the Established Church; and even in the Scriptures themselves, the most important passages might be materially altered under the notion of giving a more correct version, or omitted altogether as unauthorized interpolations.'—*Sir J. Nicholl.*

Connected with this subject is that most difficult of questions the right interpretation of the *Rubrics*, and uniformity of practice in respect of the conduct of the Divine Services. There is no doubt that every Clergyman is bound by this *Statute*, and by his *Oath* of 'Conformity to the Liturgy' enjoined in this Statute, as well as by his Subscription to the *second* article in *Canon 36*, to obey strictly the directions of the *Rubrics*; and it is most desirable that the Rites and Ceremonies of our Church should be practised every where unchangeably alike: *but*—and here lies the difficulty—when we see that many of the *Rubrics* are

at variance with the *Canons* (of 1603-4); and when we find also that in most Parishes there has been no rigid adherence hitherto to their injunctions, but that deeply rooted *Custom* has long usurped the place of *Rubrical Law*; the question arises—Are these *Rubrics* in all their strictness suddenly to be *revived*, and at every risk enforced to their very letter? I think common sense will answer in the negative. I must not however forget that I am addressing *Curates*, who do not occupy such an independent position as to be at liberty to act up to their individual notions, or solely in accordance with their own judgment in this matter, but are bound herein to submit to the views of their Incumbent, as well as of their Bishop. Before therefore they connect themselves with a Parish it is highly important that they should know the practices prevailing, and what changes, if any, the Incumbent may have in contemplation. There are some Incumbents—(1) who aim at carrying out most rigidly and promptly every ritual observance which may be enjoined in the Rubrics, or sanctioned by antiquity;—(2) there are others with the same end in view, but who, in consideration of the scruples of their people, advance by more gradual and progressive steps towards the restoration of the ancient practices;—(3) there is a third class, who prefer continuing the usages as they find them, setting their faces against every novelty and innovation;—(4) and there is a fourth class, who, although extremely zealous in every point of Pastoral duty, are yet very negligent in ritual matters; as if they conceived themselves with respect to them to be bound by no engagements, and in submission to no authority. The *Curate's* views, therefore, should harmonize as nearly as possible in this matter with those of his Incumbent, should he not be found among the last of the above classes; and not be antagonistic to the feelings of his congregation. The strongest advocate for the exact and strict observance of the Rubrics has said—‘Do nothing new, unless required by the Church, which your Congregation will not concur in.’—(*Bishop of Exeter* in re



*Blunt* (Clerk); see *Stephens'* Eccl. Statutes, p. 2052). With whatever Incumbent you may be placed, remember your *office*, and function, which is nothing less than what is well described by the plain and literal sense of the expression—the '*Cure of Souls*.'

It does not become me, especially in a work of this character, to attempt to dictate to my Ecclesiastical superiors upon a subject so intricate and perplexing as *Rubrical Conformity*; and which, from the conflicting nature of the Law, and usage, no Episcopal injunctions, nor learned disquisitions have been able yet to make lucid, and decisive: nor would I lead astray my Readers by venturing opinions that might either be at variance with the present state of the Law, or opposed to existing practice, with the view of offering a remedy, or of effecting a compromise; and which of course ought not to be at the sacrifice of pure religion, and the spiritual edification of the people. In cases of doubt, the *Preface* to the Book of Common Prayer, which is binding upon you by your Declaration of Conformity, directs you to the Ordinary (see *supra*.); and to whom alone, of course, I must at present refer you: for nothing but an Act of the Imperial Legislature can now definitively and satisfactorily settle this '*vexata quæstio*.' In the Volume (B) on the 'OFFICIATING MINISTER' will be found the present state of the *Rubrical* question according to the *Canon*, and *Statute Law*; as well as the prevailing *Liturgical* usages, as they may vary in the different Dioceses.

The *Act of Uniformity* (13 & 14 Car. II. c. 4. ss. 6, 8, 10, 11, 19—23.) demands a *Declaration of Conformity* to the Liturgy to be made in these words:—

'I, A \* \* \* B \* \* \*, do hereby declare my unfeigned assent, and consent, to all and everything contained and prescribed in and by the Book intituled THE BOOK OF COMMON PRAYER and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of England; together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches; and the Form or Manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons.'—*sect. 4.*

The other *Sections* of the Act bearing on this point are of too lengthy a character to be introduced in full, the condensed abstract given in the preamble of the explanatory Act of 23 *Geo. II.* is here supplied:—

‘Every Parson, Vicar, *Curate*, Lecturer, and every other person ‘in Holy Orders, should before his or their respective admission to ‘be Incumbent, or have possession of any Parsonage, Vicarage, ‘or any *Curate’s place*, or Lecture, *subscribe the Declaration* ‘or acknowledgement therein directed (in 13 & 14 *Car. II.* See ‘*supra*) before the respective Archbishop, Bishop, or Ordinary ‘of the Diocese, upon pain that all and every of the persons ‘aforementioned, *failing in such subscription*, should lose and forfeit ‘such respective Parsonage, Vicarage, *Curates’ place*, or Lecture, ‘and should he utterly disabled and *ipso facto* deprived of the same; ‘and that every such respective Parsonage, &c., should he *void*, as ‘if such person so failing were naturally dead. And that after such ‘Subscription made, every Parson, Vicar, *Curate*, or Lecturer, ‘should procure a ‘CERTIFICATE’ under the hand and seal of ‘the respective Archbishop, Bishop, &c. (who were thereby enjoined ‘and required upon demand, to make and deliver the same), and ‘should *publicly and openly read* the same, together with the ‘*Declaration*’ or acknowledgement therein mentioned upon some ‘Lord’s Day within *three months* next following in his Parish ‘Church, where he was to officiate, in the *presence of the Congregation* there assembled in time of the Divine Service; upon pain, ‘that every person failing therein should lose such Parsonage, &c.’—23 *Geo. II. c. 28. s. 1.*

When licensed to *two Curacies* this *Declaration of Conformity* is to be signed but once:—‘Whenever any ‘person shall be licensed to *two Curacies* within the same Diocese ‘at the same time, it shall be sufficient for such person to sign ‘a Declaration, appointed to be signed by an Act, intituled ‘An ‘Act of Uniformity,’ *once only*; and it shall be sufficient for such ‘person to produce *one Certificate* only of his having so signed such ‘Declaration.’—1 & 2 *Vict. c. 106. s. 82.*

### 8. *Discipline.*

It behoves the Clergyman ever to be on his guard against errors of judgment, the refusal or neglect of duties, the indulgence of intemperate and vicious habits, the commission of scandalous actions; and, I need hardly add, the perpetration of crime. If he should unfortunately forget himself and his Holy Calling, the *Canon*, and *Statute Law* both, provide restraints, and punishments. As a citizen he is of

course amenable to the ordinary Laws, but as a Clergyman he is also obnoxious to the Laws of the Church bearing upon the due performance of *Divine Worship*, of *Baptisms*, *Marriages*, *Burials*, and the other *Offices*; and upon his *Conformity to the Liturgy*: to which may be added *Brawling*, *Quarrelling*, *Drunk-ness*, *Lasciviousness*, and other offences against the Laws Ecclesiastical. (See "The OFFICIATING MINISTER," Volume B.) By Canon 75—

'No Ecclesiastical Person shall at any time other than for their honest necessities, resort to any *Taverns*, or *Ale-Houses*, neither shall they *board* or *lodge* in any such places. Furthermore, they shall not give themselves to any *base* or *servile labour*, or to *drinking* or *riot*, spending their time idly by day or by night, *playing at dice*, *cards*, or *tables*, or any other unlawful games..... under pain of Ecclesiastical censures, to be inflicted with severity, according to the qualities of their offences.'

For the more ready correction of Clerks, the 3 & 4 Vict. c. 86, called the '*Church Discipline Act*,' enacts—

'That in every case of any *Clerk in Holy Orders* of the United Church of England and Ireland, who may be charged with any offence against the Laws Ecclesiastical, or concerning whom there may exist *scandal*, or *evil report*, as having offended against the said Laws, it shall be lawful for the Bishop of the Diocese within which the offence is alleged or reported to have been committed, on the application of any party complaining thereof, or if he shall think fit of his own mere motion to issue a Commission under his hand and seal to five persons, of whom one shall be his *Vicar-general*, or an *Archdeacon*, or *Rural Dean* within the Diocese, for the purpose of making inquiry as to the grounds of such charge, or report; provided always, that *Notice of the intention to issue such Commission under the hand of the Bishop*, containing an intimation of the nature of the offence, together with the names, addition, and residence of the party on whose application, or motion, such Commission shall be about to issue, shall be sent by the Bishop to the party accused 14 days at least before such Commission shall issue.'—Sect. 3.

\*. \* These Commissioners (by sect. 4.) may examine witnesses on oath; must give to the accused 7 days notice in writing of the place of meeting; which may be *public*, or *private*; and the accused or his agent may be present, and examine any of the witnesses. After due inquiry, the Commissioners are to report, whether or not there be sufficient *prima facie* ground for instituting further proceedings. In the latter case (by sects. 5, 6), the Bishop may, by consent of the accused and complaining party, pronounce sentence without further proceedings; which Sentence (by sect. 12) shall be good and effectual in Law: and such Report is to be filed in the Registry of the Diocese. If proceedings beyond these are necessary, Articles will be drawn up in accordance with the remaining sections of this Act; and the charge go through the Ecclesiastical Court in due form.

9. *Exemptions.*

CLERGYMEN are exempted by Law from serving any *Civil*, or *Secular Office* that might interfere with the due performance of their Ministerial Duties; such as that of *Churchwarden*, *Guardian of the Poor*, *Overseer*, *Highway Surveyor*, *Constable*, &c.; also from attending the *tourn* or *leet* of Sheriffs; and from serving on *Juries*, and in the *Militia*, &c. (*Gibs. Codex* 215. *Burn's Eccl. L. Phil.* III. 342.) Should occasion require, however, they *may* fill these offices if they would like to do so.

*Civil Offices.*—By the *Toleration Act*, (1 *Will. & Mary. c.* 18.) it is enacted ‘that every *Teacher*, or *Preacher* ‘in *Holy Orders*, or *pretended Holy Orders*.....shall be thenceforth ‘exempted from serving upon any *Jury*, or from being chosen or ‘appointed to bear the office of *Churchwarden*, *Overseer of the* ‘*Poor*, or any other *Parochial* or *Ward Office*, or other office in any ‘Hundred of any shire, city, town, parish, division, or wapentake.’—*Sect.* 11.

\*.\* The *Toleration Act* does not sanction the *secession* of a Clergyman from the Ministry of the Church of England, nor does it permit him to act contrary to the Rules and Discipline of the Established Church. (See *postea*, p. 138. in re *Shore*).

*Juries.* In addition to the ‘*Toleration Act*,’ exemption from serving on *Juries* is confirmed by 6 *Geo.* IV. c. 50. s. 2.

*Militia.*—It is enacted, ‘that no *Licensed Teacher* of ‘any separate *Congregation*,.....shall be liable to serve personally, ‘or provide a substitute to serve in the said *Militia*.’—43 *Geo.* III. c. 10.—Confirmed by 52 *Geo.* III. c. 155. s. 9., and by the *New Militia Bill*, 15 & 16 *Vict.*

*Taxes, &c.* On this point it must be observed, that Clergymen are liable to all *Rates*, *Taxes*, and other charges made by Act of Parliament, except they are specially exempted.

*Toll.*—The Clergy are exempt from paying *Toll* at Turnpike gates when proceeding to, or returning from, *Divine Service*, or other *Parochial Duty* within their Parish: by 3 *Geo.* IV. c. 126.—‘No toll shall be demanded.....from any Rector, Vicar, ‘or *Curate* going to or returning from visiting any *sick* Parishioner, ‘or on other his *Parochial duty* within his Parish.’—*Sect.* 32. This is confirmed by 1 & 2 *Will.* IV. c. 25.

A correspondent of the "*Evening Mail*" thus illustrates this Enactment by way of clearing up an error into which many Clergymen have fallen, and which they have conceived to be a grievance:—'The Curate of parish A resides in parish B, because there is no parsonage house in his own parish. He is compelled to pay toll at a turnpike which is erected in parish B between his actual residence and the limits of his own parish (by his own parish is meant the parish of which he is Curate, as distinguished from the parish in which he resides). Is the turnpike justified in claiming such toll?

'Certainly. The 32nd section of the 3rd George IV., 126, mentions two classes of exemption, and your correspondent's case does not fall within either. He is not going or returning from his proper parochial church, inasmuch as by residing in parish B he becomes a parishioner of that parish, and makes the church of that parish his proper parochial church, and as the turnpike is in parish B, when he goes to perform duty in A, he is not a rector, vicar rector, or curate on parochial duty within his parish.

'If your correspondent's view of the case were correct, observe the absurdity that would follow. The Clergyman of Reigate might reside in London and drive down to his duty on Sunday, and, on the plea put forward, claim exemption from paying toll at any of the turnpike gates that lie between London and that town. Nay, he might travel from Berwick-on-Tweed to Penzance.—Your obedient servant, CAUSIDICUS.' The Temple, Friday, Sept. 30. 1853.'

*Tourn, or Lect.*—'For the *Tourns* of Sheriffs it is provided, that Archbishops, Bishops, nor any religious men or women, shall *not need* to come thither.'—52 Hen. III. c. 10.

## 10. *Farming.*

To prevent being too much engrossed with secular matters, it is forbidden a spiritual person to engage in *mercantile pursuits* beyond a certain extent, limited by the temporal law, and which is considered sufficient to provide for cases of exigency without detriment to the spiritual wants of a Parish, particularly where the Income may be inadequate to meet the demands of a large and increasing family. With regard to '*Taking Pupils*,' and '*Trading*,' see *postea*.

*Farming* is limited to 80 acres, unless permission be given by the Bishop to *farm* more: the regulations are stated in 1 & 2 Vict. c. 106., thus:—

'It shall *not be lawful* for any spiritual person holding any Cathedral preferment, or *Benefice*, or any *Curacy*, or *Lectureship*, or who shall be Licensed, or otherwise allowed to perform the

'Duties of any Ecclesiastical office whatever, to take to Farm for occupation by himself, by lease, grant, words, or otherwise for term of life or of years, or at will, any lands exceeding 80 acres in the whole, for the purpose of occupying, or using, or cultivating the same, without the permission in writing of the Bishop of the Diocese specially given for that purpose under his hand; and every such permission to any spiritual person to take to Farm for the purpose aforesaid any greater quantity of land than 80 acres shall specify the number of years not exceeding seven, for which such permission is given; and every such spiritual person who shall without such permission so take to Farm any greater quantity of land than 80 acres shall forfeit, for every acre of land above 80 acres so taken to Farm the sum of 40 shillings for each year during or in which he shall so occupy, use, or cultivate such land contrary to the provision aforesaid.'—Sect. 28.

### 11. Fees.

By Canon 135, no Fees are allowed to be demanded for admission into Holy Orders beyond 10s. for the Licence. There are, however, certain incidental expences, which have been already detailed (see *Index*.) And it will be found that there is a difference of charge in different Dioceses. I have recently received a very courteous letter from one Bishop on the subject, which I will quote by way of elucidation of the charge of 30s. which was made for a Curate's Licence—"Ten shillings is the Fee for the 'Licence' prescribed by the Law. Ten shillings is the cost of a Commission to an Incumbent of the Diocese to administer the Oaths, inspect Letters of Orders, and receive the Subscriptions:—thereby saving the Curate the trouble and expence of a journey to be licensed in person by the Bishop.....The remaining Ten Shillings" (for the Secretary) "are for writing five or six letters on the matter..... If a Curate had to employ any other Attorney or Agent to save himself trouble he would have more to pay than Ten shillings" ".....If a Clergyman addresses himself directly to the Bishop he will have no demands for Fees."—It is preferable, therefore, that communications on the subject of Licences, and other matters, should be made to the Bishop personally, if the Fees of the Secretary would be avoided.

I. *For Licence.* By 1 & 2 Vict. c. 106. 'It is enacted that every Curate obtaining such Licence as aforesaid shall pay to the Secretary, or other proper Officer of the Bishop for the same the sum of 10s. over and above any stamp-duty'

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\* The Licence, and Nomination of a Stipendiary Curate, 'where the annual amount of the Stipend shall be specified' are exempt from Stamp-duty. The Nomination to a *Perpetual Curacy* must be on a *thirty shilling Stamp*; by 55 Geo. III. c. 184.

'which may be chargeable thereon; which sum of 10s. shall be in lieu of all *Fees* heretofore demandable by such Secretary or Officer for such *Licence*, or for any certificate connected therewith.'—*Sect. 82.*

II. *For inspecting the Registry Office of the Diocese* the *Fee* of 3s. may be demanded, which in the same Act is thus stated. 'An *Alphabetical List* of such *Licences* and *Revocations* shall be made out by the Registrar of each Diocese, and entered in a Book, and kept for the inspection of all persons upon payment of 3s., and no more.'—*ib. Sect. 102.*

III. *For sending copy of Licence to Churchwardens* the *Fee* demanded is 3s., which is thus stated:—'Every such Registrar shall for every such copy (*of Licence*), transmitted to such Churchwardens or Chapelwardens as aforesaid, be entitled to demand and receive from the Incumbent of such Benefice a *Fee* of 3s. and no more.'—*ib. Sect. 102.* (See under *Licence*.)

By CANON 136, a Table of the Rates and Fees is to be set up in Courts and Registries: thus. — 'We do likewise constitute and appoint, that the Registrars belonging to every such Ecclesiastical Judge shall place *Two Tables*, containing the several Rates and Sums of all the said *Fees*: one in the usual place or consistory where the Court is kept, and the other in his Registry; and both of them in such sort, as every man, whom it concerneth, may without difficulty come to the view and perusal thereof, and take a copy of them:.....And if any Registrar shall fail to place the said *Tables* according to the tenour thereof, he shall be suspended from the execution of his office until he cause the same to be accordingly done: and the said *Tables* being once set up, if he shall at any time remove, or suffer the same to be removed, hidden, or any way hindered from sight, contrary to the true meaning of this Constitution, he shall for every such offence be suspended from the exercise of his office for the space of six months.'—(See also *Canons* 125, 137. and *Index*.)

A *Constitution* of ABP. STRATFORD (A. D. 1342.) enjoins:—*Sæva et miserabilis cupiditas adinvenit, ut pro Literis Institutionum Clericorum ad Beneficia ecclesiastica admissorum, et Literis Ordinum, pro Scripturarum labore ac sigillis fiant multoties exactiones immeusæ, id reprobante Canone dicente, quod sicut non decet Episcopum manûs impositionem vendere, ita nec ministrum calamus venundare. Archidiaconorum quoque, et suorum Officialium necnon et aliorum Clerici, certificatorias Literas Inquisitionum super Beneficiis vacantibus factas, tradere renuunt presentatis, nisi prius excessivam nimis summam pecuniæ habeant pro scriptura. Nos igitur hunc abusum abolere volentes, presentis deliberatione Concilii duximus ordinandum, quod pro Scripturâ Literarum Inquisitionum, Institutionum, vel Collationum, et Commissionum ad inducendum, vel Certificatoriis, ipsarum in Beneficiis, ultra xii denarios; pro Literis verò cujuslibet sacri ordinis ultra vi denarios dicti Clerici per se vel per alios non recipiant quovis modo. In cæteris verò Ordinarii suis*

'teneantur ministris stipendia constituere, quibus debeant meritò contentari. Pro sigillatione verò literarum hujusmodi, aut mariscallis pro introitu, seu janitoribus, hostiariis ver barbiton-soribus Episcoporum, aut Clericis minoribus vel majoribus ordinibus decoratis, nihil omnino exigi volumus vel persolvi; ne cujusvis specie velaminis, solutio pro sigillis Literarum vel introitu supradictis, in quæstum damnabilem convertatur. Et ne temeritas provisa, remedia violans prætereat impunita; si contra præmissa quicquam recipiatur ab aliquo, duplum sic recepti reddi præcipimus infra mensem. Alioquin Clerici beneficiati receptorum per ipsos iuiquè duplum restituere differentes, ab officio et beneficio noverint se suspensos.'—LYNDWOOD's *Provinciale*, p. 222; GIBSON's *Codex*, p. 857.

This *Constitution* is thus rendered in JOHNSON's *Collection* :—  
 'There is a mean covetous invention of exacting immense sums from Clerks for Letters of Institution, when they are admitted to Benefices, and when ordained, for Letters of Orders, for pains in writing, and for seals, against the *Canon*, which says, that as it becomes not a Bishop to sell imposition of hands, so neither does it become the Minister to sell his pen. And the Clerks of Archdeacons, of their Officials, and others, refuse to deliver certificates of inquests upon the vacancy of Benefices to be presented, unless they first pay an excessive sum for the writing of it: we therefore desiring to abolish this abuse, think fit, with deliberate advice of this Council to ordain that the said Clerks do not in any wise by themselves, or by others, receive above *twelve pence* for writing Letters of Inquest, Institution, or Collation, or of Commissions to induct, or Certificates of induction into Benefices; nor for Letters upon taking any sacred order, above *six pence*. In other particulars let Ordinaries be bound to assign *Fees* to their Ministers, with which they ought in reason to be contented. But we will that nothing at all be paid for sealing such Letters, or to the Marshals for letting them in, janitors,' &c.—*Laws & Canons* Vol. II. 362. Ang. Cath. Lib.

## 12. *Foreign Clergy Officiating.*

PERSONS in Holy Orders belonging to the Episcopal Church in *Scotland*, or in *America*; or any Bishop, Priest, or Deacon, not belonging to the United Church of England and Ireland, or of any of her Majesty's Foreign Possessions; or any person canonically ordained by a foreign protestant Archbishop, or Bishop, is *forbidden* to perform Divine Service, or preach, or administer the Sacraments, according to the rites and ceremonies of the Established Church, in any Diocese without written *permission* from the Bishop of that Diocese, and



then but for *one or two days* and *no more*, unless the permission be renewed, under penalty of £50. An INCUMBENT allowing the same without such permission may be *suspended for three months*; and a STIPENDIARY CURATE is liable to *removal*, or *suspension*.

‘It shall be lawful for the Bishop of any Diocese in England, and Ireland, if he shall think fit,.....to grant *permission* under his hand, and from time to time also under his hand to *renew such permission*, to any such Bishop, or Priest, to perform Divine Service, and to preach, and administer the Sacraments, according to the Rites and Ceremonies of the United Church of England and Ireland, for any *one day*, or any *two days* and *no more*, in any Church or Chapel within the Diocese of the said Bishop where the Liturgy of the said United Church is used, *such day or days and Church or Chapel to be specified* in such permission, or renewed permission.....with the consent of the *Incumbent*, or *Officiating Minister*, of such Church or Chapel.—3 & 4 Vict. c. 33. s. 1.

Proper *Testimonials*, attested within *six months* of their production, are to be provided before such *Permission* can be granted.—*Sect. 2.*

*Penalty.*—‘Any *Incumbent*, or *Stipendiary Curate* who without the production of such written permission, or renewed permission, .....shall allow any Bishop, or Priest, of the Protestant *Episcopal Church in Scotland*, or in the *United States of America*, or.....Deacon....., or any other Bishop, Priest, or Deacon, not .....of the United Church of England and Ireland, or of any of her Majesty’s Foreign Possessions, to officiate in any Church or Chapel of which he is *Incumbent*, or *Curate*, shall for the *first offence* be liable to be.....*monished*....And for the *second*, and every subsequent offence, *if a Curate*, he shall,.....be liable to be *removed*, or to be temporarily *suspended* from his Curacy, at the discretion of the said Bishop; and if an *Incumbent*, he shall, on proof of the offence in due course of law, be *suspended* from his office and Benefice for any time not exceeding *three months*, or be subject to other Ecclesiastical censures.’—*Sect. 4.*

Any *Scotch*, *American*, or other *Foreign Clergy*;—and this (by *sect. 6.*) includes any one ordained *Deacon* by an Archbishop or Bishop not of the United Church of England and Ireland, and *afterwards ordained Priest* by an Archbishop or Bishop of the Established Church—officiating contrary to these provisions, ‘Shall, for every such offence, forfeit and *pay £50.* to the Governors of Queen Anne’s Bounty, to be recovered by Action of Debt.’—*Sect. 5.*

And further—‘All *Admissions*, Institutions, and Inductions, to *Benefices* in the Church of England, or Church of Ireland, and all appointments to act as *Curates* therein, which shall be made contrary to the provisions of this Act, shall be to all intents and purposes null and void.’—Sect. 7.

### 13. *Indelibility of Orders.*

IN the judgment of *Lord Denman* in the case of *Barnes v. Shore*, a Priest in Holy Orders ‘is not exempt by the ‘Toleration Act,’ (1 *Will. & Ma. c. 18.*), or by the ‘Dissenter’s Act,’ (52 *Geo. III. c. 155.*), or any other Act from being sued in the Ecclesiastical Court, or ‘from *Canonical obedience* to the Bishop.’ Thus:—‘No distinct rule appears to be laid down as to who may be properly said to be persons dissenting from the Church of England; but it should seem that, as dissent is matter of opinion, any one who says that he does dissent is entitled to be treated as a Dissenter, and that whether he be in Holy Orders, or a Layman. *Mr. Shore*, therefore, may be entitled to insist upon being treated as a Dissenter upon his mere assertion that he is so, without any formal act of separation being necessary either by him or against him. But he cannot so divest himself of the character of a Priest in Holy Orders, with which he has been clothed by the authority of the Church of England when he was ordained by one of her Bishops, and when he vowed and promised *Canonical obedience* to that Church. From that character and that vow and promise, he can be released only by the same authority which conferred the one, and enjoined and received the other? (After quoting the 76th Canon, *LORD DENMAN* proceeds:—) ‘Therefore although he may, as a Dissenter, be exempted by the 4th Sect. of Stat. 1 *Gul. & Ma. c. 18.* from being sued in the Ecclesiastical Court for mere non-conformity to the Church of England, he is not exempt by that or any other Act from *Canonical obedience* to the Bishop as a Priest in regard to any thing that he may do according to the Rites and Ceremonies of the Church of England.’—(Quoted in *STEPHEN’S Laws Relat. to Clerg.* Vol. II. p. 1007. See also the opinion of *SIR JOHN DODSON supra.*)

The 76th Canon expressly provides:—

‘No Man being admitted a Deacon, or Minister, shall from thenceforth voluntarily *relinquish* the same, nor afterwards use himself in the course of his life as a *layman*, upon pain of excommunication. And the names of all such men, so forsaking their calling, the Churchwardens of the Parish where they dwell shall present to the Bishop of the Diocese, or to the Ordinary of the place, having Episcopal jurisdiction.’—*Can. 76.*

*ARCHDEACON SHARP* commenting on this CANON says:—‘Our entering into Holy Orders is indeed a free and voluntary act, but withal it is such a solemn dedication of the remainder of our lives

‘to the service of the Church, as leaves us not at liberty to retreat at pleasure from the duties of the function, or to cast off the guise and external badges of our character, till we are stripped of them by some act of deprivation, as solemn and authoritative as that of our Ordination. And this, I think, is all that is implied in the words of the *Canon*, or deducible from them.’ [In a *Note* is added:— ‘And is quite consonant to the ancient *Canons*. Si quis vero Clericus, relicto officii sui ordine, laicam voluerit agere vitam, vel se militiæ tradiderit, excommunicationis pœna feriatur.” *Conc. Tur.* A. D. 461. c. 5. And that other of the *Council of Chalcedon*— “Eos qui in Clero semel ordinati sunt, statuimus nec ad militarem expeditionem, nec ad secularem dignitatem posse venire. Qui autem hoc audient et non pœnitentia ducti ad id revertuntur, quod propter Deum prius elegerant, anathematizari.”—BEVERIDGE *Cod. Can.* Vol. i. 119.]. ‘And that a Minister is not thereby prohibited from prosecuting any studies, or exercising any arts that are liberal and useful, though they be commonly ranked among the lay-professions, or temporal callings, such as Law, Physic, Surgery, and in some circumstances traffic too. There are measures and degrees within which a Clergyman may employ his peculiar talents for any of these ways, with profit to others and with credit to himself, without either abandoning his proper calling or being remiss or unfaithful in the discharge of his Clerical Duties.’—(p. 293)—*On Rubrics and Canons*. Charge. A. D. 1752.

#### 14. *Letters of Orders.*

The ‘LETTERS OF ORDERS’ of Deacons, and Priests (see *supra*), are required to be exhibited to the Bishop, if he be not the Bishop by whom the Clerk was ordained, before such Clerk can be *licensed* to a Curacy, or *instituted* to a Benefice within such Bishop’s Diocese: this is in accordance with the *Canon*.

I. By *Canon 39*.—‘No Bishop shall institute any to a Benefice who hath been ordained by any other Bishop except he first show unto him his LETTERS OF ORDERS.’—*Can. 39*.

II. *Before preaching* in any other Church than that to which a Curate is licensed, it has been supposed that the inspection of his ‘Letters of Orders’ may be demanded: but these documents are not the “*Licences to Preach*” spoken of in *CANON*:—thus

‘Neither the Minister, Churchwardens, nor any other officers of the Church, shall suffer any man to *preach* within their Churches or Chapels, but such as, by showing their ‘Licence to Preach’ shall appear unto them to be sufficiently authorized thereunto, as is aforesaid.’—*Canon 50*. (See *postea*).

III. *At the Bishop's first Visitation* the 'Letters of Orders' are to be exhibited :—

'We think it convenient that every Parson, Vicar, Curate, Schoolmaster, or other person licensed whosoever, do at the *Bishop's first Visitation*, or at the *next Visitation* after his admission show and exhibit unto him his 'Letters of Orders'.....to be by the said Bishop either allowed, or (if there be just cause) disallowed and rejected, and being by him approved, to be as the custom is, signed by the Registrar; and that the *whole fees* accustomed to be paid in the Visitations in respect of the premises, be paid only once in the whole time of every Bishop, and afterwards but *half* of the said accustomed fees in every other Visitation, during the said Bishop's continuance.'—*Canon 137.*

\*. The 'PREACHING LICENCE' is more fully discussed in *Volume C* under the head '*Register of Strange Preachers.*'

### 15. *Licence.*

It is highly important that a Curate enter into no engagement with an Incumbent to serve a Parish without a Licence from the Bishop, (see *Canon 36*, *INDEX*, and *Supra.*). The inconveniences and misunderstandings that may arise in such a case are innumerable; and in many instances he is devoid of legal remedy, unless provided with this document. A *non-licensed* Curate is removable at pleasure; but a *licensed* Curate is *irremovable*, except by the Bishop under due process, and from 'good and reasonable' cause: should such a proceeding be attempted contrary to law and equity and be productive of injury or wrong, the Curate has the power of *appeal* to the Archbishop. A *change* in the Incumbency however, gives an undisputable right to cause a Curate's removal. And an Incumbent coming to *reside*, i. e. to keep the *statutable residence* prescribed by 1 & 2 *Vict. c. 106*, will sometimes induce the Bishop to withdraw the Curate's Licence, in order to make way for the Incumbent: but the Bishop is bound to see that such a measure is not dictated by fastidiousness and caprice, and that the Incumbent intends to perform the Ecclesiastical functions "residence" imposes. See '*Notice to Quit.*'

I. Certain particulars are to be embodied in the Curate's '*Nomination*,' and a *Declaration* made as to Stipend before a *Licence* can be granted.—'It is enacted that every Bishop to whom any application shall be made for any *Licence* for a Curate to serve for any person *not duly residing* upon his Benefice, shall, before he shall grant such *Licence*, require a statement of all the particulars by this Act required to be stated by any person applying for a *Licence* for Non-residence; and in every case in which application shall be made to any Bishop for a *Licence* for any *Stipendiary Curate* to serve in any Benefice, whether the Incumbent be *resident* or *non-resident*, such Bishop shall also require a *Declaration* in writing to be made and *subscribed* by the Incumbent and the Curate, to the purport and effect that the one *bonâ fide* intends to *pay*, and the other *bonâ fide* intends to *receive*, the whole actual *Stipend* mentioned in such statement, *without any abatement* in respect of rent, or consideration for the use of the Glebe-house, and *without any other deduction or reservation* whatever.' 1 & 2 Vict. c. 106. s. 81. (See *supra*.)

II. In *District Chapels* the Curate's *Licence* does not become void by the avoidance of the Church or Chapel.—'In all *District Churches*, and *District Chapelries*, the *Licence* of the *Stipendiary Curate* appointed to serve the Chapel of such Chapelry shall *not* be rendered void by the avoidance of the Church of the Parish or *District Parish* in which such Chapel is situate, *unless the same shall be revoked by the Bishop* of the Diocese under his hand and seal; but such *Licence* shall continue in force, unless otherwise directed as aforesaid by such Bishop, notwithstanding the *Avoidance* of the Church of the Parish, or *District Parish*, any statute, law, canon, or usage to the contrary notwithstanding.'—1 & 2 Vict. c. 107. s. 13.

*A District*.—This is explained to apply 'to the *Licence* of the *Stipendiary Curate* of a *District Chapelry*; and to the *Licence* of the *Stipendiary Curate* of a *District Parish Church*.'—2 & 3 Vict. c. 49. s. 11.

III. *New Church*.—It also applies 'to the *Licence* of the Minister appointed to serve a *New Church* without a *District*, already or hereafter to be built, wholly or in part, by means of any moneys at the disposal of the Church Building Commissioners, under the provisions of the Church Building Acts, or any of them.'—8 & 9 Vict. c. 70. s. 18.

IV. *Residence* of the Curate must be stated in the *Licence*.—The *Licence* where Incumbents are *Non-resident* shall in every case specify whether the Curate is required to *reside* within the Parish or place, or not; and if the Curate is permitted by the Bishop to *reside out* of the Parish or place, the grounds upon which the Curate is so permitted to *reside out* of the same shall be specified in such *Licence*, and the *distance* of the residence of any Curate from any such Church or Chapel which he shall be licensed to serve shall ..... be specified in the *Licence*.—1 & 2 Vict. c. 106. s. 75.

### V. *Sent to the Registry, and Churchwardens.*

'Every Bishop who shall grant or revoke any *Licence* to any Curate under this Act shall cause a *copy of such Licence* or Revocation to be entered in the *Registry* of the Diocese. . . . And a *copy of every such Licence* and Revocation shall be transmitted by the said Registrar to the *Churchwardens* or *Chapelwardens* of the Parish or Township, or Place to which the same relates, *within one month* of such Licence or Revocation thereof, to be by them deposited in the *Parish chest*.'—ib. sect. 102. (See *Fees*).

### VI. *Stipend to be specified in the Licence.*—

'Every *Licence* to be granted to a Stipendiary Curate, whether the Incumbent of the Benefice be *resident* or *non-resident* thereon, shall specify the amount of the *Stipend* to be paid to the Curate.'—ib. sect. 83.

VII. *Without Nomination* the Bishop may Licence a Curate.—'It shall be lawful for the Bishop to Licence any Curate who is or shall be actually employed by any *non-resident* Incumbent of any Benefice within his Diocese *although no express Nomination* of such Curate shall have been made to such Bishop by the Incumbent.'—ib. sect. 98. (See *Revocation*).

In DR. WADDILOVE'S *Digest* of Ecclesiastical Cases, we read:—'No Clergyman of the Church of England has a right to officiate in any way as a Clergyman of the Church of England, unless he has a lawful authority so to do, and he can only have that authority when he receives it at the hands of the Bishop, either by Institution (as in the case of a Benefice), by *Licence* where the party is a Perpetual Curate, and by *Licence* when the Clergyman officiates as a Stipendiary Curate. (*Dr. Lushington*). *Hogsdon v. Dillon*. 2 Curt. 392.'

Again—'A *Licence* may be revoked by the Bishop without his assigning any reason for so doing.' (*ibid.* 393).

'The interpretation put upon the 48th Canon, confirmed by the 50th, and 52nd, which are in *pari materia*, is to the effect that to Preach *occasionally* for another Clergyman does not require the Licence of the local Ordinary. *Gates v. Chambers*. 2 Add. 191.'—WADDILOVE'S *Dig.* p. 220.

## 16. *Nomination.*

The appointment of a Curate to officiate in the Church of a *resident*, or *non-resident* Incumbent, must be by *Nomination* under the hand of such Incumbent (see *supra*); except when the Bishop appoints absolutely, as explained under '*Appointment by the Bishop*', or the *non-resident Incumbent* neglects to provide a *Nomination* (see under *Licence*). The NOMINATION must have the '*Declaration*' respecting the paying and receiving of the *Stipend* annexed to it, as required by 1 & 2 *Vict. c.* 106. s. 81. (See *supra*).

17. *Notice to Quit.*

A *Licensed Curate* cannot be removed from his Curacy without the consent of the Bishop, and upon 'good and reasonable cause,' except in case of *change in the Incumbency*; and then only within a limited time, and with the *proviso* that the *new Incumbent* has fulfilled the requirements of the Act in respect of *Notice*, as mentioned below. (See also *Revocation of Licence*). In every other case the Bishop's permission in writing must be *first* obtained before a Curate can be called upon '*to quit*.' An Incumbent's *resuming residence* will *generally* be held by the Bishop 'a good and reasonable cause'; although there are cases in which Bishops have wisely exercised the discretion given them by the Act, by not allowing such a removal to take place. In other instances, so long as the Curate duly and properly performs the functions of his office, and his conduct is unimpeachable in the Ecclesiastical or Civil Courts, no caprice, nor fastidiousness, nor personal enmity, either on the part of the Incumbent, or the Parishioners, will be acknowledged by the Bishop as sufficient ground to justify his legal interference; an *Appeal* will however lie to the Archbishop; as will be seen in the clauses of the Act presently quoted. Still, a Curate is by no means recommended to resist the wish of his Incumbent that he should quit the Curacy; especially where the Incumbent is *resident*. Whenever it appears that there is no longer any prospect of their being able to work harmoniously together, it is certainly better they should part; and, indeed, when the Bishop is satisfied that this is the case, he will strongly *advise* their separation. Any pertinacious opposition after this would neither be prudent in the Curate, nor tend to advance his future welfare. In those cases, however, where the Incumbent is *Non-resident*, the Curate must not be removed without the consent of the Bishop; nor would the Bishop's sanction of such removal be legally justifiable without some proof of

neglect, or inefficiency, or moral delinquency, shall have been established against the Curate. Again, in those cases where the plea may be put forward of the Incumbent's "*coming to reside*;" this "*residence*" must be with the intention of actually performing the Ministerial Duties of the Parish, as required by the "*Pluralities and Residence Act*" (1 & 2 Vict. c. 106.), and not a mere pretext for *removing the Curate*; otherwise, the Bishop, tacitly permitting such a proceeding, will not only be infringing the law, but exposing himself to the charge of sanctioning injustice and oppression. Therefore, in any '*Notice to Quit*' unaccompanied by the Bishop's authority for such a step, the Curate is bound to refer the case to his Diocesan, in order to prevent his Lordship from being suspected of collusion with the Incumbent, and that the Curate's character may be free from the suspicion of having so misconducted himself as to have called for such a measure.

When the Curate occupies the '*House of Residence*,' any '*Notice*,' from the Incumbent for the Curate to give up possession of the House must have the Bishop's sanction *in writing* accompanying such '*Notice*,' or such '*Notice*' is illegal, and cannot be received. Moreover when the '*House of Residence*' has been assigned by the Incumbent in the *Nomination*, and by the Bishop in the *Licence*, as directed in 1 & 2 Vict. c. 106. s. 93. (see '*Residence*' postea), before effecting such removal, the Incumbent must of necessity find *another Residence* for the Curate, equivalent in all respects; or he is legally, as well as morally, bound to make adequate recompense; for it should be remembered, that such assignment of the "*House of residence*" is part of the Curate's remuneration for his services; and when once in actual possession, he stands to all intents and purposes exactly in the position of a "*tenant*"; and can in no way be intruded upon in his occupation, nor his tenure in the least degree questioned, or interrupted, by the Incumbent without the latter exposing himself to an action for trespass and damages in the Civil Courts; just as



it would be in the case of a landlord of an ordinary house attempting the like with his tenant.

As to a *non-licensed Curate*, he is removable at the will of the Incumbent.

A *licensed Curate*, however, may himself *quit* the Curacy at his pleasure by giving due and proper notice to the Bishop, and to the Incumbent.

A *private agreement* between a licensed, or non-licensed, Curate and an Incumbent, by which the Curate engages to serve for a limited period of one, two, or more years, is a matter not affected by the enactments under consideration, but will fall under the *Law of Contracts*. In an engagement of this kind particular attention should be paid to the 'Statute of Frauds' quoted under '*Stipend*.'

The enactments bearing on the subject of *Removal* are annexed.

I. In a *Change in the Incumbency SIX WEEKS'* notice is required from the new Incumbent to the Curate to quit the Curacy.—'Every Curate shall quit and give up the cure of any Benefice which shall become vacant upon having six weeks' Notice from the spiritual person admitted, collated, instituted or licensed to such Benefice; provided such Notice shall be given within six months from the time of such admission &c.'—1 & 2 Vict. c. 106. s. 95.

II. In all other cases SIX MONTHS' Notice is required from the Incumbent to the Curate to quit the Curacy, provided the former has first obtained the Bishop's permission.—'In all other cases it shall be lawful for the Incumbent of any Benefice, whether resident, or non-resident thereon, having first obtained the permission of the Bishop of the Diocese, to be signified by writing under his hand, to require any one or more of his Curates, who after the passing of this Act shall be licensed to any Curacy, to quit and give up his Curacy, upon six months' Notice thereof given to the Curate, who shall thereupon quit the same according to such Notice: provided always, that any Incumbent resident on his Benefice, or not resident but desiring to reside on his Benefice, may within one month after refusal of such permission as aforesaid by the Bishop, appeal to the Archbishop of the province, who shall either confirm such refusal, or grant such permission as to him may seem just, and proper.'—ib.

III. *Leave House of Residence*,—A like Notice to quit of *six weeks* on Change of Incumbency, or of *six months* in other cases is to be given to the Curate living in the House of Residence; and a penalty of *forty shillings* a day is to be paid by him so long as he refuses to give up possession.—‘Every Curate who shall reside in the *House of Residence* of any Benefice which shall become vacant, shall peaceably deliver up possession thereof, with the appurtenances, upon having *six weeks’* Notice from the spiritual person admitted, collated, instituted, or licensed to such Benefice; provided such Notice be given *within six months* from the time of such admission, collation, &c.; and that in *all other cases* it shall be lawful for the Incumbent of any Benefice, with the permission signified in writing under the hand of the Bishop of the Diocese, or for such Bishop, at any time upon *six months’* Notice in writing, to direct any Curate to deliver up the *House of Residence*, and the Offices, Stables, Gardens, and Appurtenances, thereto belonging, and such portion of the Glebe land as shall have been assigned to such Curate; and such Curate shall thereupon peaceably deliver up the possession of the Premises pursuant to such Notice; and if any Curate shall refuse to deliver up such Premises in any, or either of the cases aforesaid, he shall pay to the spiritual person holding the Benefice the sum of *forty shillings* for every day of wrongful possession after service of such Notice.’—*ib. s. 96.*

\*.\* If the Bishop refuses, there is *no Appeal* as in the last Section.

#### (a) FORM OF NOTICE TO QUIT CURACY,

*Or give up possession of House of Residence,*

*To be given by a New Incumbent within six months.*

‘To the Reverend C \* \* \* D \* \* \*, Curate of —.’

‘I, A \* \* \* B \* \* \*, M. A., Clerk, having been duly admitted (collated, instituted, or licensed) to the Rectory (Vicarage, or Perpetual Curacy) of —, in the County of —, in the Diocese of —, do hereby in pursuance of the power and authority vested in me by 1 & 2 Vict. c. 106. commonly known as the ‘*Pluralities and Residence Act*,’ give notice to, and require, you C \* \* \* D \* \* \*, Clerk, to quit and give up the Curacy of — aforesaid [and (as the case may be) peaceably to deliver up possession of the House of Residence of the Rectory (Vicarage or Perpetual Curacy) of — aforesaid, and the Offices, Stables, Gardens, and Appurtenances thereto belonging, and such portion of the Glebeland (if any) as shall have been assigned to you as such Curate] at the expiration of Six Weeks from the serving of this Notice upon you the Curate aforesaid, after the manner directed by the 112th Section of the Statute above mentioned.’

‘Witness my hand this — day of —, 185—.’

‘A \* \* \* B \* \* \*.’

## PROCESS OF GIVING NOTICE TO QUIT CURACY, &amp;c.

in other cases.

(*The Bishop's permission after the following Form is to be first obtained.*)

'I, A \* \* \* Lord Bishop of —, do hereby, on the application of A \* \* \* B \* \* \*, M.A., Clerk, Rector, (Vicar, or Perpetual Curate) of —, in the County of —, in my Diocese of —, signify, by virtue of the power vested in me by 1 & 2 Vict. c. 106. commonly known as the "Pluralities and Residence Act," my permission for him to require and direct C \* \* \* D \* \* \*, Clerk, his licensed Curate at — aforesaid, to quit and give up the said Curacy [and (as the case may be) peaceably to deliver up possession of the House of Residence of the Rectory (Vicarage or Perpetual Curacy) of — aforesaid, and the Offices, Stables, Gardens, and Appurtenances thereto belonging, and such portion (if any) of the Glebe land as shall have been assigned to him, the said C \* \* \* D \* \* \* as such Curate] upon Six Months' Notice thereof being given to such Curate, as directed by the Statute above mentioned.'

'Given under my hand this — day of — 185—.'

'A \* \* \* —.'

(b) FORM OF NOTICE TO QUIT CURACY, AND HOUSE OF RESIDENCE IN OTHER CASES.

(Having the written consent of the Bishop as above, the following Notice must bear a later date than that stated in the Bishop's consent.)

'To the Reverend C \* \* \* D \* \* \*, Curate of —.'

'I, A \* \* \* B \* \* \*, M.A. Clerk, Rector, (Vicar, or Perpetual Curate) of —, in the County of —, in the Diocese of —, do hereby, in pursuance of the power and authority vested in me by 1 & 2 Vict. c. 106. commonly known as the "Pluralities and Residence Act," and with the permission of the Right Reverend — Lord Bishop of the Diocese of — aforesaid, signified by writing under his Lordship's hand, first had and obtained, give notice to, and require you C \* \* \* D \* \* \* Clerk, my licensed Curate of —, aforesaid, to quit and give up the said Curacy of —, [and (as the case may be) peaceably to deliver up possession of the House of Residence of the Rectory (Vicarage, or Perpetual Curacy) of — aforesaid, and the Offices, Stables, Gardens, and Appurtenances thereto belonging, and such portion (if any) of the Glebe land as shall have been assigned to you as such Curate] at the expiration of six Months from the serving of this Notice upon you the Curate aforesaid, after the manner directed by the 112th Section of the Statute above mentioned.'

Witness my hand this — day of —, 185—.'

'A \* \* \* B \* \* \*.'

SERVING THE NOTICE.—The above Notices are required to be served in strict accordance with the 112th Section of the Act referred to, and where a

probability of resistance may exist, the serving should not be attempted without legal opinion and assistance, The enactment regulating this process is as follows :

‘.....Any Instrument or *Notice* issued in pursuance of the provisions of this Act, and not otherwise specially provided for shall be served *personally* upon the spiritual person therein named, or to whom it shall be directed, by *showing the original* to him, and *leaving with him a true copy* thereof, or, in case such spiritual person cannot be found, by leaving a true copy thereof *at his usual or last known place of residence*, and by *affixing another Copy thereof upon the Church door* of the Parish in which such place of residence shall be situate..... And such instrument, or *Notice* as aforesaid, shall, immediately after the service thereof, be *returned into the Consistorial Court* of such Bishop, and be then *filed, together with an Affidavit of the time and manner* in which ‘the same shall have been served.’—1 & 2 Vict. c. 106. s. 112.

IV. *Notice by the CURATE to quit* must be of *three months’* duration, under penalty of forfeiting *six months’ Stipend*.—‘No CURATE shall *quit any Curacy* to which he may be ‘licensed until after *Three Months’ Notice* of his intention given ‘to the Incumbent of the Benefice, and to the Bishop, unless with the ‘consent of the Bishop, to be signified *in writing* under his hand, ‘upon pain of paying to the Incumbent a sum not exceeding ‘the amount of his *Stipend for six months* at the discretion of the ‘Bishop, such sum to be specified in writing under the hand of the ‘Bishop; which sum may in such case be *retained* out of the ‘Stipend if the same or any part thereof shall remain unpaid, or, if ‘the same cannot be retained out of the Stipend, may be *recovered* ‘by the spiritual person holding the Benefice by action of debt.’—ib. Sect. 97.

RESIGNATION.—In the *Note* attached to the Curate’s *Licence*, it will be seen that the Bishop will refuse to *countersign the Testimonials* of a Curate, ‘who resigns the Curacy to which he is licensed ‘without giving the Bishop *Notice* of his intention. ‘In ordinary cases *three months’* Notice will be required.’ (See “Licence” *supra*).

#### (a) FORM OF NOTICE OF RESIGNATION OF CURACY.

(To the Bishop.)

‘\_\_\_\_\_, 185—.’

‘\_\_\_\_\_, \_\_\_\_\_ shire.

‘My Lord Bishop,

(State here the circumstances, if necessary or desirable, which have led to this step, and then proceed) ‘..... ‘I am in consequence induced to resign the Curacy of \_\_\_\_\_.

‘I write, therefore, to give notice to your Lordship, in accordance with the requirements of the Statute, 1 & 2 Vict. c. 106., and with the

'Instructions annexed to my Licence, that at the expiration of Three Months from the date above written, it is my intention to quit and give up the Curacy of —;' [together with (as the case may be) the House of Residence, and the Offices, Stables, Gardens, and Appurtenances thereto belonging, and now in my occupation, and the portion (if any) of the Glebe land which has been assigned to me.]

'I have the honor to be,

'My Lord Bishop,

'Your Lordship's most obedient,

'Humble Servant,

'C \* \* \* D \* \* \*'

'To the Right Reverend

'The Lord Bishop of —.'

'Curate of —.'

### (b) FORM OF NOTICE to the Incumbent.

'—, 185—.'

'—, — shire.

'Reverend (or Dear) Sir,

(State the circumstances, if necessary or desirable, which have led to this step, and then proceed) '.....I am in consequence induced to resign the Curacy of—.'

'I write, therefore, to give notice to you, in accordance with the requirements of the Statute, 1 & 2 Vict. c. 106. that at the expiration of Three Months from the date above written, it is my intention to quit and give up the Curacy of —;' [together with (as the case may be) the House of Residence, and the Offices, Stables, Gardens, and Appurtenances thereto belonging, and now in my occupation, and the portion (if any) of the Glebe land which has been assigned to me.]

'I am,

'Reverend (or Dear) Sir,

'Your obedient, and faithful Servant,

'C \* \* \* D \* \* \*'

'Curate of —.'

'To the Reverend E \* \* \* F \* \* \*'

'Rector (Vicar, or Perpetual Curate) of —.'

'—shire.'

## 18. Oaths, and Subscription.

I. The Oaths required to be taken by spiritual persons are those of *Allegiance*, and *Supremacy*, in accordance with the Statute 1 Eliz. c. 1. which runs thus:—

'All and every person and persons, that at any time hereafter shall be preferred, promoted, or collated to any Archbishopric, Bishopric, or to any other spiritual or Ecclesiastical Benefice, promotion, dignity, office, or Ministry.....shall make, take, and receive the said corporal oath before mentioned, upon the

‘Evangelists, before such persons as have, or shall have, authority  
‘to admit any such person to any such office, ministry, or service,’  
&c.—*Sect. 22.*

‘And all and every person and persons *taking Orders*, and  
‘all and every other person and persons which shall be promoted or  
‘preferred to any *Degree of Learning in any University* within this  
‘your realm or dominions,.....shall make, take, and receive the  
‘said *Oath* by this Act set forth and declared as is aforesaid, before  
‘his or their *Ordinary, Commissary*, Chancellor, or Vice-Chancellor,  
‘or their sufficient deputies in the said University.’—*ib. Sect. 25.*

\* \* The dispensing with the *oaths* on taking *Degrees*, &c. in  
the Universities is now (while these pages are going to press) under  
discussion by the Legislature.

The OATHS at present taken are those of 1 *Eliz. c. 1.* altered  
and amended by 1 *Will. & Mary c. 8. s. 12.* and which have been  
already given.

II. *Subscription* to the XXXIX ARTICLES is  
required by 13 *Eliz. c. 12.* in these words:—

‘None shall be admitted to the order of *Deacon*, or *Ministry*,  
‘unless he shall first *subscribe* to the said *Articles*.’—*Sect. 5.*

These *Oaths*, and the *Subscription* to the *Thirty-nine Articles*, and a declaration of *Conformity to the Liturgy*, are also required by CANON 36.

### *Ordination Age.*

This is regulated by the Statute 44 *Geo. III. c. 43*; which requires a Candidate to be 23 *years of age* before he can be ordained a DEACON; and 24 *years of age* before he can be ordained a PRIEST; thus:—

‘Be it enacted that...no person shall be admitted a DEACON  
‘before he shall have attained the *Age* of 23 *years complete*, and  
‘that no person shall be admitted a PRIEST before he shall have  
‘attained the *Age* of 24 *years complete*: and in case any person  
‘shall, from and after the passing of this Act, be admitted a  
‘DEACON, &c. (or *Priest* &c. before he shall have attained these  
‘ages respectively), that then, and in every such case, the admission  
‘of every such person as DEACON or PRIEST respectively, shall be  
‘merely void in law, as if such admission had not been made,  
‘and the person so admitted shall be wholly incapable of having,  
‘holding, or enjoying, or being admitted to any Parsonage, Vicarage,  
‘Benefice, or other Ecclesiastical promotion or dignity whatsoever,  
‘in virtue of such his admission as DEACON or PRIEST respectively,  
‘or of any qualification derived or supposed to be derived therefrom,  
—44 *Geo. III. c. 43. s. 1.*

*Ordination Corrupt.*

This is restrained by 31 *Eliz. c. 6. s. 10.* as follows:—‘If any person shall at any time receive or take any money, fee, reward, or any other profit directly or indirectly, or shall take any promise, agreement, covenant, bond, or other assurance, to receive or have any money, fee, reward, or any other profit, directly or indirectly, either to himself or any of his friends (all ordinary and lawful fees only excepted) for, or to procure the ordaining or making of any Minister, or giving of any Orders or Licence to Preach: then every person so offending shall for every such offence forfeit £40.; and the party so corruptly Ordained, or made Minister, or taking Orders shall forfeit the sum of £10.: and if at any time within seven years next after such corrupt entering into the Ministry or receiving of Orders he shall accept or take any Benefice, Living, or Promotion Ecclesiastical, that then immediately from and after the induction, investing or installation thereof or thereunto had, the same Benefice, Living, or Promotion Ecclesiastical shall be void: and the Patron shall present, collate unto, give, and dispose of the same, as if such person were dead. One half of the forfeiture shall go to the Queen, and the other half to the party that shall sue for the same.’

19. *Ordination Costume.*

The Costume of the Candidate for Deacon's, and Priest's Orders, is not accurately determined by the *Rubric* in the Ordination Services of our present Liturgy: in both of these it is simply stated that the Candidates are to be presented to the Bishop ‘each of them being decently habited.’ On this account it has been the practice to assume the Academical dress, of the *Gown, Bands, and Hood*; generally, however, the *Surplice* is adopted instead of the *Gown*. It should be observed, that, with regard to Clerical Vestments, generally, the rule is laid down in the BOOK OF COMMON PRAYER in the *Rubric* immediately preceding ‘The Order for MORNING PRAYER,’ in which *Rubric* it is directed that—

‘Such Ornaments of the Church, and of the Ministers thereof, at all Times of their Ministration, shall be retained, and be in use, as were in this Church of England by the Authority of Parliament, in the Second year of the reign of King Edward the Sixth.’

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\* This *Rubric* runs in the exact words of the Act of Uniformity, 1 *Eliz. c. 2. s. 25.* but omits the final clause of the section in the Act.

This Authority of Parliament is the *Act of Uniformity*, 2 & 3 *Edw. VI. c. 1.* passed in *January 1548—9*;\* and it enjoins strict conformity to the Liturgy then just compiled, and entitled 'The Book of the Common Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church after the use of the Church of England.' This Book is known to us as the *First Liturgy* of Edward VI. (1549): but as the *Ordination Services* were not then compiled, they cannot be affected by this Act of Uniformity. Directions, however, were soon after issued to certain Divines by 3 & 4 *Edw. VI. c. 12.* (1549—50) to prepare an '*Ordinal*,' which, by this last mentioned Act, was to be lawfully exercised, and used, and none other.' It was published after, and apart from, the Prayer Book in March 1549—50 (by *Grafton*). This *Ordinal* was at a subsequent period, with a few alterations, (among which were changes in the DRESS especially) introduced into the *Second Liturgy* of Edward VI. (1552), and its observation enforced by the *Second Act of Uniformity*, 5 & 6 *Edw. VI. c. 1. s. 5.* (1552). The Rubrical directions, therefore, of the first *Ordinal* of 1549—50, requiring the Candidates for Deacon's and Priest's Orders to be admitted to the Bishop '*every one of them, that are presented, having upon him a plain Alb*;' and the subsequent Rubric that the Deacon '*putting on a Tunicle shall read the Gospel*,' (both of which Rubrics were omitted when the *Ordinal* was inserted in the *Second Liturgy* of Edward VI. 1552. See KEELING, p. 366. 377.) are not comprised within the injunctions found in our present Book of Common Prayer, and by which we are now bound, viz. 'The Authority of Parliament in the *Second year* of the reign of King Edward the Sixth.' In the instructions, therefore, to Candidates for Deacon's, and Priest's Orders, given above, the general practice of the present day has been described.

The subject of *Vestments*, however, is treated in *extenso* in Volume (d.)

## 20. *Parliament, Sitting in.*

Any person who has been ordained a *Deacon* or *Priest* of the Church of England, or any Minister of the Church of Scotland, is forbidden to *sit in the House of Commons* under penalty of £500.—(See Opinion of Sir John Dodson, *supra*.)

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\* At this period the Civil and Legal year commenced on March 25th, the Historical year on January 1st, so that the date between January 1st and March 25th has been assigned by some to the year ending, and by others to the year beginning; it will be found usually written as above, 1548—9, or thus 154<sup>8</sup><sub>9</sub>.



'No person *having been ordained* to the office of *Priest*, or *Deacon*, or being a *Minister* of the Church of Scotland, is, or shall be, capable of being elected to serve in Parliament as a Member of the House of Commons.'—41 *Geo. III. c. 63. s. 1.*

*Penalty.*—If any such person 'shall hereafter be elected to serve in Parliament as aforesaid, such *election* and return shall be *void*; and that if any person being elected to serve in Parliament as a Member of the House of Commons, *shall after his election be ordained* to the office of Priest or Deacon, or become a Minister of the Church of Scotland, then, and in such case, the seat of such person shall immediately become *void*; and if any such person shall, in any of the aforesaid cases, presume to sit or vote as a Member of the House of Commons, he shall forfeit the sum of £500 for every day in which he shall sit or vote in the said House, to any person or persons who shall sue for the same;...and every person against whom any such penalty or forfeiture shall be recovered by virtue of this Act, shall be from thenceforth *incapable of taking, holding, or enjoying any Benefice, Living, or Promotion Ecclesiastical, and of taking, holding, or enjoying any office of honor or profit under his Majesty.*' &c.—Sect. 2.

The Prosecution must be commenced within *twelve Calendar Months* after such penalty or forfeiture shall be incurred.—Sect. 3.

\* \* This enactment was introduced into Parliament *May 4, 1801*, by Mr. Addington, and passed, in consequence of the Earl of Temple moving for a new writ for Old Sarum on the plea that the *Rev. John Horne Tooke*, elected for that borough, being in Priest's Orders was ineligible to a seat in the House of Commons. *Horne Tooke* retained his seat during the Session; after which the Bill became effective, and compelled him to resign.

### *Preaching Licence.*

A "*Licence to preach*," as a separate and distinct instrument, is not recognized as a necessary requirement of the present age. The 50th and 52nd CANONS of 1603-4, both of which are designed to secure the orthodoxy of *strange Preachers*, allude to the '*Licence to preach*,' which at that unsettled period was called for in order to secure peace to the Church, and prevent those bitter and unedifying controversies which were then so rife. The settlement of the Reformed religion, and great advancement of learning, combined with the superior and more cultivated qualifications of the Clergy of modern times, have allowed the "*Letters of Orders*," and a "*Licence to the cure of souls*," to supersede the ancient "*Licence to Preach*,"

yet they are not identical with it, nor do they possess the same power and characteristics.

MR. CRISP (*Barrister-at-Law*) observes:—‘The reasons for the great strictness formerly enjoined having ceased, the directions of the various *Canons* in this respect are no longer acted upon; the inquiries made by the Churchwardens of *Strange Preachers*, and the entries by them in *Books* for that purpose, have generally long since fallen into disuse, although such Books are still to be found kept in some Churches.’ (p. 602.).—*Laws Relating to the Church and the Clergy*.

This subject, however, will be found more fully treated on under the head “*Book of Strange Preachers*,” in Volume (C.)

### *Precedence.*

It will not, perhaps, be thought unnecessary to touch upon this question; the more especially as the Clergy are expected to be conversant with all subjects which affect the intercourse of man with man, and not so much on their own account as for the information of others. Now, since the *spiritual* office is of far greater importance than the *secular* function, so are the *Clergy*, by common consent, allowed pre-eminence over the *Laity*.

In mixed assemblies, however, when men meet together on affairs of state, or on matters of business, or for the interchange of thoughts and ideas, and the rational enjoyments of life, the Clergy, like their fellow men, are subject to the usages of society, and the rules of etiquette, and take *precedence* according to the rank which those rules assign them. For information on this subject the “*Peerages*” supply us with all that is requisite; and we shall there find, that with few exceptions, whatever rank in the world’s honours a man held *before* his taking Holy Orders, the same rank he *retains afterwards*. The exceptions are, the elevations to the *Archiepiscopate*, and the *Episcopate*; and the attainment of a *Doctorate* in either Faculty of *Divinity*, *Law*, or *Medicine*.

According to DOD'S "*Peerage*," &c. (published in 1853) the order of precedence, in so far, especially, as the Clergy are affected, is as follows:—

- |  |  |
|--|--|
| ' 1. The SOVEREIGN.  | ' 143. <i>Doctors in Divinity.</i>               |
| ' 2—8. Royal Family.   | ' (on the ground of ancient usage.)              |
| ' 9. <i>Archbishop of Canterbury.</i>  | ' 144. <i>Doctors of Law.</i>                    |
| ' 10. Lord Chancellor of Great Britain.  | ' (on the same ground.)                          |
| ' 11. <i>Archbishop of York.</i>   | ' 145. <i>Doctors of Medicine.</i>               |
| ' 12. <i>Archbishop of Armagh.</i>   | ' (on the same ground.)                          |
| ' 13. <i>Archbishop of Dublin.</i>   | ' 146. <i>Bachelors of Divinity.</i>             |
| ' 23—28. Dukes.  | ' The degree of a <i>Bachelor</i> , in           |
| ' 29—38. Marquises.  | ' any of the Faculties of <i>Law</i> ,           |
| ' 40—49. Earls.  | ' <i>Physic</i> , or <i>Divinity</i> , is rarely |
| ' 52—61. Viscounts.  | ' obtained otherwise than as                     |
| ' 62. Eldest Sons of Earls.  | ' preparatory to the superior                    |
| ' 63. Younger Sons of Marquises.   | ' degree of <i>Doctor</i> ; and in               |
| ' 64. <i>Bishop of London.</i>   | ' <i>Divinity</i> it generally happens           |
| ' 65. <i>Bishop of Durham.</i>   | ' that those who take a <i>Bachelor's</i>        |
| ' 66. <i>Bishop of Winchester.</i>   | ' degree are also in Priests' Orders;            |
| ' 67. <i>English Suffragan Bishops.</i>  | ' they have therefore the prefix                 |
| ' 68. <i>Bishop of Meath.</i>  | ' of <i>Reverend</i> ; but if that were          |
| ' 69. <i>Irish Suffragan Bishops.</i>  | ' not the case, they, in common                  |
| ' 70—79. Barons.   | ' with all <i>Bachelors</i> of Faculties         |
| ' 90. Knights of the Garter.   | ' would be entitled to the affix of              |
| ' 95—105. Judges.  | ' <i>Esquire</i> ; this place, therefore,        |
| ' 106. Knights Banner.   | ' amongst Esquires is assigned                   |
| ' 109. Baronets.   | ' them on the ground of analogy                  |
| ' 110—117. Knights.  | ' and ancient usage.                             |
| ' 121. Serjeants at Law.   | ' 147. <i>Bachelors of Laws.</i>                 |
| ' 122. Masters in Chancery and Lunacy.   | ' (on the ground of ancient usage.)              |
| ' 124—132. Eldest Sons of Baronets and Knights.  | ' 148. <i>Bachelors of Medicine.</i>             |
| ' 135. Officers of the Army and Navy* (who are styled "Esquires" in their Com-missions). | ' (on the same ground.)                          |
| ' 136—142. Younger Sons of Knights.  | ' 149. <i>Clergymen.</i>                         |

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\* The comparative rank of the *Clergy*, and the Officers of the Regular Army is that of '*Major*.' According to the Regulations (1844) *Chaplains* to *Brigades* rank as '*Majors*'; and *Chaplains* to *Regiments* as '*Captains*.' *Navy Chaplains* are next in rank to '*Masters*,' and are of comparative standing with *Captains* in the Army. It may be added here that the different branches of the Service take rank as follows:—'*1st Officers* of the Regular and Marine Forces: *2nd. Officers* of Fencible, and Militia Regiments: '*3rd. Officers* of Yeomanry, and Volunteer corps.'—DOD'S *Peerage*. 1853. p. 54.

'is as follows: 1st *Divinity*; 2nd 'men in general society are to  
'*Law*; 3rd *Medicine*; 4th *Music*. 'take lower ground.  
'But there is another considera- '150. Queen's Counsel.  
'tion that imparts to this pro- '151. Barristers.  
'fession a temporal dignity, '(are Esquires by ancient  
'which is, that one member of 'usage.)  
'it takes rank next to the Royal '152. Subaltern Officers in the  
'Family, that four members of 'Army (who are not  
'the Clerical profession take 'styled 'Esquires' in their  
'precedence of all Dukes, and 'commissions.)  
'that *Bishops* are lords of Par- '153. Professional Gentlemen—  
'liament superior to Barons. So 'As, Solicitors, Attorneys,  
'many circumstances peculiar to 'Proctors, Engineers, Architects,  
'individuals modify all general 'Medical Practitioners, Artists,  
'rules of precedence, that it is 'Literary Men, Merchants, Master  
'scarcely possible, in the absence 'Manufacturers, Scientific Pro-  
'of distinct authority from the 'fessors; and others not engaged in  
'Queen, as "the fountain of 'manual labour, farming of land,  
'honour," to fix the position of 'or retail trade, are considered to  
'all *Clergymen*, otherwise than 'possess some station in Society,  
'by analogy. Thus the Queen's 'although the law takes no  
'regulations for the government 'cognizance of their rank *inter*  
'of the Army, 1844, give *Army* 'se.  
'*Chaplains*, attached to Brigades, '154. Yeomen.  
'rank as *Majors*; and Her '155. Tradesmen being citizens.  
'Majesty's warrant for precedence '156. Tradesmen being burgesses.  
'in the *East Indies* gives a similar '157. Artificers.  
'rank to *Chaplains* there. It is '158. Labourers. — (Dop's *Peer-*  
'not to be supposed that *Clergy-* 'age. 1853, p. 36—50.)

Among members of their own body, Clergymen follow the date of their Ordination; but *Priests* take precedence of *Deacons*; and *Incumbents* are before *Curates*, unless the latter possess other rank which claims a superior position, such as being the *sons of Peers*, &c., or a *Doctor* of one of the three Faculties, or hold also some higher office in the Church. Moreover, in the Universities, and in Cathedral towns, other honours and dignities will give differences of position.

\* \* In other 'PEERAGES,' '*Doctors, Deans, and Chancellors*,' rank next to '*Sergeants-at-Law*,' then '*Masters in Chancery*'; next '*Esquires*' by creation, office, or commission, as '*Officers in the Army and Navy, Justices of the Peace, &c.*'; then '*Gentlemen entitled to bear arms*'; '*Clergymen not dignitaries*,' '*Barristers-at-Law*'; '*Officers in the Army and Navy*, not Esquires by Commission; next '*Gentlemen by Profession, &c.*'

According to Dop's *Peerage*, we have also :—

#### CLERICAL PRECEDENCE.

- |                                |                            |
|--------------------------------|----------------------------|
| ' 1. Archbishop of Canterbury. | ' 4. Archbishop of Dublin. |
| ' 2. Archbishop of York.       | ' 5. Bishop of London.     |
| ' 3. Archbishop of Armagh.     | ' 6. Bishop of Durham.     |

- |                                |                                       |
|--------------------------------|---------------------------------------|
| '7. Bishop of Winchester.      | '13. Colonial Bishops,                |
| '8. English Suffragan Bishops, | '(according to date of                |
| '(according to the dates of    | 'Consecration.)                       |
| 'their Consecration.)          | '14. Deans,                           |
| '9. Bishop of Meath.           | '(according to date.)                 |
| '10. Irish Suffragan Bishops.  | '15. Archdeacons,                     |
| '(in a similar order of        | '(according to date.)                 |
| 'succession.)                  | '16. Rectors.                         |
| '11. Bishop of Sodor and Man.  | '17. Vicars.                          |
| '12. Scottish Bishops,         | '18. Curates.'—( <i>Peerage</i> 1853. |
| '(according to date of         | p. 52.)                               |
| 'Consecration.)                |                                       |

UNIVERSITY PRECEDENCE.

The *Degrees* granted by Universities are as follows:—

- '1st. *Doctor* of any of the Faculties.
- '2nd. *Bachelor* of any of the Faculties.

'3rd. *Master of Arts*.

'4th. *Bachelor of Arts*.\*

'The several Faculties in which Degrees are granted take rank as follows:—

- '1st. *Divinity*. 3rd. *Medicine*.
- '2nd. *Law*. 4th. *Music*.

'Persons of the same Academic rank, and if of the same University, take precedence amongst each other according to the *dates of their Degrees*. Those of the same

'rank who have graduated at different places, take rank according to the *dates of foundation* of the Universities to which they belong.

'The following are the Universities of the United Kingdom, with the *dates* of their foundations:—

'Oxford .....	886
'Cambridge .....	1110
'St. Andrew's .....	1413
'Glasgow .....	1450
'Aberdeen .....	1494
'Edinburgh .....	1582
'Dublin .....	1593
'London .....	1836
'Durham .....	1837
'Queen's Univ. in Ireland 1850.'	
( <i>Ibid.</i> )	

*Quit*, see under "*Notice to Quit*," and "*Revocation of Licence*."

21. *Rates, and Taxes*.

The Rates and Taxes of the *House of Residence*, &c. when occupied by the Curate, whose Stipend

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\* In the CAMBRIDGE University Calendar the respective orders in the several Colleges are as follows:—'1. The *Head*:—2. *Fellows*:—3. *Noblemen, Graduates, Doctors* in the several Faculties, *Bachelors in Divinity* (who have been Masters of Arts), and *Masters of Arts*:—4. *Ten Year Men*:—5. *Bachelors in the Civil Law and Physic*.....They wear the habit, and enjoy all the ordinary privileges of Masters of Arts except that of voting in the Senate:—'6. *Bachelors of Arts*:—7. *Fellow-Commoners*:—8. *Scholars*:—'9. *Pensioners*:—10. *Sizar*s.'

in addition to the charge of the Rates and Taxes is *not less* than the whole value of the Living, are usually paid by the Curate; in some cases the Incumbent may be required by the Bishop to pay them, as directed by the Statute. The Statute does not apply to the *Taxes*, &c. on land. It is to be recommended that a right understanding be entered into between the Curate and Incumbent on this subject when effecting an engagement in order to prevent future unpleasantness.

‘In every case where the Bishop shall assign to the Curate licensed to serve in any Benefice a *Stipend not less than the whole value* of the same, and shall, in addition to such Stipend, direct that such Curate shall *reside in the House of Residence* belonging to such Benefice, such Curate shall be liable during the time of his serving such Cure to the same *Taxes*, and *Parochial Rates*, and *Assessments*, in respect of such House, Premises, and Appurtenances thereto belonging, as if he had been Incumbent of the Benefice. Provided always, that *in every other case* in which the Curate shall so reside by *direction of the Bishop* it shall be lawful for such Bishop, if he shall think fit, to order that the Incumbent shall pay to the Curate all or any part of such sums as he may have been required to pay, and shall have actually paid within one year, ending at Michaelmas-day next preceding the date of such order, for any such *Taxes*, *Parochial Rates*, or *Assessments*, as shall become due at any time after the passing of this Act; and the Bishop may, if necessary, enforce payment thereof by Monition and Sequestration of the profits of such Benefice.”—1 & 2 Vict. c. 106. s. 94.

*Removing*, see *Notice to Quit*.

## 22. *Registers.*

The Parish *Register Books* are required by the Statute (52 Geo. III. c. 146., quoted below) to be under the custody of the ‘*Officiating Minister*.’ And by the same Act *Annual Copies* of the BAPTISMS, (MARRIAGES,) and BURIALS, registered in these Books are to be written out on parchment by the Incumbent, Curate, or the Churchwardens, or by some person appointed by the Minister; and such copies are to be certified by the *Minister*, and his signature attested by one of the *Church* or *Chapel-wardens*. The Churchwardens obtain the blank forms from the Archdeaconry

Register Office, and remit them when filled up to the Registrar of the Diocese. This is usually done at the Archdeacon's Annual Easter Visitation; or they may be sent *Post free*, as allowed by (52 *Geo.* III. c. 146. s. 11. *infra*.

The Registration of *Baptisms, Marriages, and Burials*, is also enforced by the Canons of 1603—4; thus—

CANON 70—'In every Parish Church and Chapel within this realm, shall be provided one *Parchment Book* at the charge of the Parish, wherein shall be written the day and year of every *Christening, Wedding, and Burial*, which have been in that Parish '.....And for the safe keeping of the said Book, the Churchwardens, at the charge of the Parish, shall provide one sure *Coffer*, with three locks and keys: whereof the one to remain with the Minister, and the other two with the Churchwardens severally: so that neither the Minister without the two Churchwardens, nor the Churchwardens without the Minister, shall at any time take that Book out of the said Coffer....And the CHURCHWARDENS shall once every year, within one month after the five and twentieth day of March, transmit unto the Bishop of the Diocese, or his Chancellor, a true Copy of the names of all persons christened, married, or buried in their Parish in the year before ended the said five and twentieth day of March, and the certain days and months in which every such Christening, Marriage, and Burial, was had, to be subscribed with the hands of the said Minister and Churchwardens to the end the same may faithfully be preserved in the Registry of the said Bishop: which certificate shall be received without fee. And if the Minister or Churchwardens shall be negligent in performance of any thing herein contained, it shall be lawful for the Bishop, or his Chancellor, to convent them, and proceed against every of them as contemnners of this our Constitution.'

ARCHDEACON SHARP, commenting on this Canon, says:—'The Canon enjoins the Minister from henceforth, *in posterum*, from the time of these Canons taking place, to make all the entries in the Register Book *himself*. A provision which has not been made by any of the former Injunctions or Constitutions. What I would recommend to you hereupon in a particular manner is, that you would make these entranues in *good ink*. Which is as necessary as the parchment, to make the Register a standing and durable evidence; I cannot say indeed this is expressly mentioned in the Canon, yet nevertheless it is implied in the words "*shall write and record*." For nothing written can be said to be *recorded*, unless it be written with ink that will stand, as well as in a hand that is legible.'—*On the Rubrics and Canons*, Charge 1749. p. 258.

Copies for the Bishop's Registry.

*Annual Copies of Baptisms and Burials*.—'At the expiration of two months after the end of every subsequent

'year (to 1813), fair *Copies* of all the entries of the several '*Baptisms, Marriages, and Burials*, which shall have been solemnized, or shall have taken place within the year preceding, shall be made by the *Rector, Vicar, Curate*, or other resident, or '*Officiating Minister (or by the Churchwardens, Chapelwardens, Clerk, or other person duly appointed for the purpose under* and by the direction of such *Rector, Vicar, Curate, or other resident or Officiating Minister*) on *parchment*, in the same form as prescribed in the Schedules hereunto annexed; (to be provided by the respective Parishes); and the contents of such Copies shall be *verified and signed* in the form following by the *Rector &c. of the Parish or Chapelry* to which such respective Register Books shall appertain:—

'*A \* \* \* B \* \* \** *Rector (or as the case may be) of the Parish of ———, (or of the Chapelry of ———), in the County of ———, do hereby solemnly declare, that the several writings hereto annexed, purporting to be Copies of the several entries contained in the several Register Books of Baptisms, Marriages,\* and Burials, of the Parish (or Chapelry) aforesaid, from the 1st day of January to the 31st day of December, 185— both inclusive are true Copies of all the several entries in the said several Register Books respectively from the said 1st day of January, to the said 31st day of December, both inclusive; and that no other entry during such period is contained in any of such Books respectively, and that the same are truly made according to the best of my knowledge and belief.*

(Signed) '*A \* \* \* B \* \* \**'

'Attested by *C \* \* \* D \* \* \**'

('Churchwarden of the said Parish.')

'Which Declaration shall be fairly written, without any stamp, on the said Copy immediately after the last entry therein, and the '*Signature* to such Declaration shall be attested by the *Churchwardens or Chapelwardens*, or one of them, of the *Parish or Chapelry* to which such Register Books shall belong.'—*ib. Sect. 6.*

The next *Section (§ 7.)* directs the *Churchwardens* to transmit these Copies to the Registrar of the Diocese on or before the *1st day of June* in every year. And the following *Section (§ 8.)* requires the Registrar to report to the Bishop before the *1st day of July* following whether the Copies of the Registers have been sent to him as the Act requires, and to specify the defaulters. And when the *Rector, Vicar, or other Officiating Minister, or Curate* 'shall neglect or refuse, to verify and sign such Copies,' the Churchwardens are required (by *Section 9*) to certify the fact to

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\* In consequence of the late enactments (6 & 7 Will. IV. c. 86, & 1 Vict. c. 22.) above referred to, the term '*Marriages*' is omitted in the Declaration annexed to the printed forms now supplied.



the Registrar of the Diocese, and the Registrar is to report the same to the Bishop. And by *Section 11*, Letters containing these annual Copies are to be transmitted *free of postage*.—52 *Geo. III. c. 146*.

\*.\* An opinion is entertained that there is no penalty attached to default, and that, therefore, compliance with the Act cannot be enforced; but whenever an act of Parliament directs a matter to be done, or not to be done, and imports no express penalty for disobedience, the disobedient party is liable to be indicted for a *Misdemeanour*, and to be *punished* at the discretion of the Court by *fine*, or *imprisonment*, or both.

It is the duty of the Minister to take care that the Copies be made, and to certify by his signature their correctness: and it is the Churchwardens' office to write them out if directed by the Minister, or to procure them to be done; and likewise to attest the signature of the Minister; and then to transmit them to the Bishop's Registry.

ARCHDEACON SHARP, in his comments on *Canon 70*, says:—“The yearly transmissions likewise of Copies of our Registers (*which belongs to the Churchwardens to take care of*,” though the Minister is to join with them in the attestation) are of no small use, if regularly transmitted, and duly preserved; for they will not only supply the place of a Register lost or destroyed by accident, but they guard against forgeries, and restore erasements. I have myself seen the date of a Baptism, upon which not only the true age of a person, but the claim to an estate depended, in consequence of the proof of such age, so cleanly erased, that, although the fictitious date appeared evidently to be a forgery, it was impossible to recover the true one. Now of what use in such case must a regularly attested transcript in the Bishop's office be? Yet if it be considered how negligent the Churchwardens often are in transmitting such Copies, how negligent also the Bishop's Officers in calling for them when not exhibited, and in keeping of them when obtained, (and perhaps for this reason, because the *Canon* has ordered them to be received without taking any fee for the same). And also considering the doubts, which have been of late years pretended

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\* In a Note is the following:—“Postremum est ut exemplar quotannis cujusque anni auctæ nominum inscriptionis ad Episcopum Diocæsani Registrum per Guardianos, infra mensem post festum Paschatis, transmittatur, et sine fædo ullo recipiatur, atque in archivis Episcopi fideliter custodiatur.” *Const. 1579*. To which the present *Canon* hath added, to be subscribed with the hands of the said Minister and Churchwardens.—SHARP. *Charge 1749. p. 261*.

'in the temporal Courts, about the admission of such evidences from the Bishop's Registry, which they are apt to deny to be a Court of Record, while no doubt is made of the authenticity of our Parish Registers, if duly kept and subscribed as the Canon directs; I say, considering how many ways the benefits designed by these Copies or duplicates are and may be frustrated, we may perceive very great reason to take especial care of the originals, and to preserve their authenticity by regular attestations'—*On Rubrics and Canons*. Charge A. D. 1749. p. 261.

#### Copies for the Registrar.

*Copies of the entries in the Marriage Register* are required by later Acts (6 & 7 Will. IV. c. 86. & 1 Vict. c. 22.) to be made out quarterly. These will be collected by the *Registrar of the District*, who will supply the necessary *blank forms*,\* and pay *sixpence* for every entry in the certified *Copy* delivered to him. (See *infra*.)

The later Act for the proper *Registration of Births, Deaths, and Marriages*, (6 & 7 Will. IV. c. 86.) just referred to, has been erroneously thought to supersede the necessity of sending *Copies annually* to the Registry of the Diocese: whence the latter are very irregularly supplied, and in some parishes their transmission neglected altogether; but the Statute 52 Geo. III. is still in force, and any non-compliance with its provisions still open to the visitation of the law. With regard to the *Marriage Registers* we have these instructions:—

The *Marriage Entries* are to be copied *quarterly*:  
'Be it enacted, that the Rector, Vicar, or Curate of every such Church and Chapel.....shall in the months of *April, July, October,* and *January* respectively, make and deliver to the Superintendent Registrar of the district in which such Church or Chapel may be situated ..... on durable materials, a *true Copy* certified by him under his hand of all the *Entries of Marriages* in the Register Book kept by him since the last *Certificate*.....and if there shall have been *no Marriage* entered therein since the last *Certificate* shall certify the fact under his hand.' — 6 & 7 Will. IV. c. 86. s. 33.

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\* Or, on application, the *Registrar General* in London will forward them by Post.

The *Fee*.—‘Whereas every Rector, Vicar, and Curate.....is required *Four Times* in every year to deliver to the said Superintendent Registrar a *true Copy*, certified by him under his hand, of all the *Entries of Marriages* in the Register Book kept by him since the last certificate: be it enacted, that the said Superintendent Registrar *shall pay* or caused to be paid to the said Rector, Vicar, or Curate, the sum of *sixpence* for every Entry contained in such certified Copy.’—7 Will. IV. & 1 Vict. c. 22, s. 27.

*Penalty for Neglect*.—‘It is enacted, that every person..... who after being duly required to deliver such certified Copy, or such Certificate (of *no Entry*) as aforesaid, *shall refuse*, or during *one calendar Month* neglect so to do, shall be liable for every such offence to *forfeit* a sum not exceeding £10.’—ib. Sect. 28.

The *Registrar to collect them*.—‘Each Superintendent Registrar shall direct the *Registrars* of Births and Deaths under his Superintendence *quarterly*, or oftener if he shall think fit, or shall be so ordered to do by the Registrar General, to collect the Notices, Certificates, and certified Copies from every Rector, Vicar, and Curate within his District.’—ib. Sect. 29.

*When Made up*.—‘The *certified Copies* of the Entries.....and also the *Certificates*..... that there has been *no*.....*Marriage*\* registered since the delivery of the last Certificate, shall in every case be made up, and refer respectively to the *last days of March, June, September, and December* then next preceding, and not to the time of the making or delivery of such certified Copy, or Certificate, when made on any subsequent day.’—ib. Sect. 26. (and 6 & 7 Will. IV. c. 86. s. 33. above quoted.)

Other points connected with the subject of *Registration* will be explained when speaking more at large on the Services of BAPTISM, MARRIAGE, and BURIAL.

The *Custody of the Books*.—The Register Books are to be kept in an *iron chest*, which is to be deposited in the *House* of the Officiating Minister, or in the *Church*, and the *Key* be in his custody.—The *Register Books* ‘shall be deemed to belong to every such Parish or Chapelry respectively, and shall be kept by, and remain in the power and custody of the Rector, Vicar, Curate, or other Officiating Minister of each respective Parish or Chapelry as aforesaid, and shall be by him safely and securely kept in a dry, well painted *iron chest*, to be provided, and repaired, as occasion may require, at the expence of the Parish or Chapelry,

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\* This refers to the “*Nil*” Return.

'and which said Chest containing the said Books shall be constantly kept locked in some dry, safe, and secure place within the usual place of residence of such Rector, Vicar, Curate, or other Officiating Minister (if resident within the Parish or Chapelry), or in the Parish Church or Chapel: and the said Books shall not, nor shall any of them be taken or removed from or out of the said Chest, at any time or for any cause whatever, except for the purpose of making such entries therein as aforesaid, or for the inspection of persons desirous to make search therein, or to obtain copies from or out of the same, or to be produced as evidence in some court of Law or Equity, or to be inspected as to the state and condition thereof, or for some of the purposes of this Act: and that immediately after making such respective entries, or producing the said Books respectively for the purposes aforesaid, the said Books shall forthwith again be safely and securely deposited in the said Chest.'—52 Geo. III. c. 146. s. 5.

This *Statute* supersedes the authority of the *Canon* (70th: see *supra*), the directions of which were found very inconvenient in this respect.

ARCHDEACON SHARP observes, when commenting on the 70th *Canon*:— 'The keeping them (the *Registers*) as the *Canon* directs, makes them in great measure useless to another end, for which they are kept for the benefit of the present times; viz:—the granting *Certificates* out of them, from time to time, to such persons as desire them and are concerned in them. For if these transcripts could only be made and attested at the times appointed in the *Canon* for the Book to be taken out of the Chest, or at least not otherwise than in the presence both of the Minister and Churchwardens, I need not say what difficulties must arise to the parties who apply for *Copies* out of the Register. And therefore custom hath obtained for keeping these Books in places assigned, either by joint consent of the Minister and Churchwardens, or by the Minister alone, where they may be consulted with convenience and without delay; and use and prescription upon this convenience have brought the *Registers* almost solely into the possession and custody of the Ministers, which, though not so agreeable to the contents of the *Canon*, suits mighty well with the title of it, which is "*Ministers to keep a Register of Christenings, Weddings, and Burials*:" Or, as it is in the Latin, *Ministri Registerium conservare jussi*.'—On *Rubrics and Canons*. Charge. A. D. 1749. p. 259.

In a *Tract* "A FEW WORDS TO CHURCHWARDENS" we thus read:— 'A word about the *Register*, which is sometimes now-a-days under your charge, though it belongs properly to the Clergyman alone. Great care should be taken of it; and there should not be a high fee required for '*Searching*' it, or getting a *Certificate* from it. Neither, as is sometimes done, should all access to the Register be denied except on Sundays. Those who must search Registers have something better to do on that day than to wander about and huy *Certificates*. The *Parish-Clerk* ought never to be trusted with the Register. Sometimes he takes no care of it at all. sometimes he is very uncivil about it.' (p. 14.)—

## Entries, Searches, and Certificates.

Great care is necessary in making *entries* into the Registers, and should any *errors* occur, they must be corrected as the Statute directs; thus:—

**ERRORS.**—‘Be it enacted, that no Rector, Vicar, Curate, or Officiating Minister of any Parish, District-parish, or Chapelry, who shall discover any *error* in the form or substance of the entry in the Register of any Baptism, Marriage, or Burial respectively by him solemnized, shall be liable to any of the penalties herein mentioned, if he shall, *within one calendar month*, after the discovery of such error, *in the presence of the parent or parents* of the child baptized, or of the parties married, or in the presence of two persons, who shall have attended at any burial; or in the case of the death or absence of the respective parties aforesaid, then *in the presence of the Church-wardens* or Chapel-wardens, correct the entry which shall have been found erroneous, according to the truth of the case, by entry in the margin of the Register wherein such erroneous entry shall have been made, *without any alteration or obliteration* of the original entry, and shall sign such entry in the margin, and add to such signature the day of the month and year when such correction be made; and such correction and signature shall be attested by the parties in whose presence the same are directed to be made as aforesaid: provided also, that in the copy of the Registry which shall be transmitted to the Registrar of the Diocese, the said Rector, Vicar, Curate, or Officiating Minister shall certify the corrections so made by him as aforesaid.’  
11 Geo. IV. & 1 Will. IV. c. 66. s. 21.

Again:—‘Be it enacted, that no person charged with the duty of registering any *Birth, Death, or Marriage*, who shall discover any error to have been committed, in the form or substance of any such Entry, shall be therefore liable to any of the penalties aforesaid, if within One Calendar Month next after the discovery of such error, in the presence of the Parents of the Child whose Birth may have been so registered; or of the parties Married; or of two persons attending upon any person in his or her last illness, whose Death may have been so registered; or in case of the death or absence of the respective parties aforesaid, then in the presence of the Superintendent Registrar and of two other credible witnesses, who shall respectively attest the same, he shall correct the erroneous entry, according to the truth of the case by entry in the *margin* without any alteration of the Original Entry, and shall sign the *Marginal Entry*, and add thereunto the *day of the month* and *year* when such correction shall be made; provided also, that in the case of a *Marriage Register* he shall make the like *Marginal Entry*, attested in like manner in the *duplicate Marriage Register Book*, to be made by him as aforesaid, and in every case shall make the like alteration in the Certified Copy of the Register Book, to be made by him as aforesaid, or in case such Certified Copy shall have been already made, provided he shall make and deliver in like manner a separate certified Copy of the original Erroneous Entry, and of the Marginal correction therein made.’—6 & 7 Will. IV. c. 86. s. 44.

*False Information.*—Any person giving false information is guilty of perjury: thus—

‘Be it enacted, that every person who shall wilfully make or cause to be made, for the purpose of being inserted in any Register of Birth, Death, or Marriage, any *False statement*, touching any of the particulars herein required to be known and Registered, shall be subject to the same pains and penalties, as if he were guilty of perjury.’—6 & 7 Will. IV. c. 86. s. 41.

*False Entry.*—Making any false entry, or forging, or altering a Register is punished by transportation for life: thus—

‘Be it enacted, that if any person shall knowingly and wilfully insert, or cause or permit to be inserted, in any Register of Baptisms, Marriages, or Burials, which hath been, or shall be, made or kept by the Rector, Vicar, Curate, or Officiating Minister of any Parish, District-Parish, or Chapelry in England, any *false entry* of any matter relating to any Baptism, Marriage, or Burial, or shall *forge* or *alter* in any such Registry any entry of any matter relating to any Baptism, Marriage, or Burial; or shall *alter* any writing as and for a copy of an entry in any such Register of any matter relating to any Baptism, Marriage, or Burial, knowing such writing to be *false, forged, or altered*; or if any person shall alter any entry in any such Register of any matter relating to any Baptism, Marriage, or Burial, knowing such entry to be false, forged, or altered; or shall alter any copy of such entry, knowing such entry to be false, forged, or altered, or shall wilfully *destroy, deface, or injure*, or cause or permit to be destroyed, defaced, or injured, any such Register, or any part thereof; or shall *forge, or alter*, or shall utter, knowing the same to be forged or altered, any Licence of Marriage: every such offender shall be guilty of *felony*, and being convicted thereof, shall be liable, at the discretion of the Court, to be *transported* beyond the seas for life, or for any term not less than seven years, or to be *imprisoned* for any term not exceeding four years, nor less than two years.’—11 Geo. IV. & 1 Will. IV. c. 66. s. 20.

*Falsifying, or Destroying, a Register* is felony: thus—

‘Be it enacted, that every person who shall wilfully *destroy or injure*, or cause to be destroyed or injured, any such Register Book, or any part or certified copy of any part thereof, or shall *falsely make or counterfeit*, or cause to be falsely made or counterfeited, any part of any such Register Book, or Certified Copy thereof, or shall wilfully *insert* or cause to be inserted in any Register Book, or Certified Copy thereof, any *false entry* of any Birth, Death, or Marriage, or shall wilfully give any *false certificate*, or shall certify any writing to be a copy or extract of any Register Book, knowing the same Register to be false in any part thereof, or shall *forge, or counterfeit*, the Seal of any Register Office, shall be guilty of *felony*.’—6 & 7 Will. IV. c. 86. s. 43.

*Issuing False Copies* of any Register is punishable with transportation for life: thus—

‘Whereas *copies* of the Registers of Baptisms, Marriages, and Burials, such *copies* being signed and verified by the written declaration of the Rector, Vicar, Curate, or Officiating Minister of every Parish, District-parish or Chapelry in England, where the ceremonies of Baptism, Marriage, and Burial, may lawfully be performed, are directed by law to be made and transmitted to the Registrar of the Diocese within which such Parish, District-parish, or Chapelry may be situated; be it therefore enacted, that if any person shall knowingly and willingly insert, or cause or permit to be inserted, in any copy of any Register so directed to be transmitted as aforesaid, any *false entry* of any matter relating to any Baptism, Marriage, or Burial; or shall *forge* or *alter*, or shall *utter*, knowing the same to be forged or altered, any copy of any Register, so directed to be transmitted as aforesaid; or shall knowingly and wilfully sign or verify any copy of any Register, so directed to be transmitted as aforesaid, which copy shall be false in any part thereof, knowing the same to be false, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable at the discretion of the Court, to be *transported* beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, nor less than one year.—11 Geo. IV., 1 Will. IV. c. 66. s. 22.

*Neglecting* to register, or *losing*, or *injuring*, any Register, is punishable by a fine not exceeding £50: thus—

‘Be it enacted, that every person who shall refuse, or, without reasonable cause, omit to register any *Marriage solemnized* by him, or which he ought to register, and every Registrar who shall refuse, or, without reasonable cause, omit to register any *Birth*, or *Death*, of which he shall have had due notice as aforesaid; and every person having the custody of any *Register Book*, or certified copy thereof, or, of any part thereof, who shall carelessly *lose* or *injure* the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding £50 for every such offence.’—6 & 7 Will. IV. c. 86. s. 42.

*Fees* for ‘*searching*’ any Register are 1s. for the first year, and 6d. for every other. For a *Certificate* the Fee is 2s. 6d.: thus—

‘Be it enacted, that every Rector, Vicar, or Curate, and every Registrar, Registering Officer, and Secretary, who shall have the keeping for the time being, of any Register Book of Births, Deaths, or Marriages, shall at all reasonable times, allow *searches* to be made of any Register Book in his keeping, and shall give a *copy* certified under his hand of any entry or entries in the same, on payment of the *Fee* herein-after mentioned: (that is to say) for every Search extending over a period not more than one year, the sum of *one shilling*, and *sixpence additional* for every additional year, and the sum of *two shillings and sixpence* for every single *Certificate*.’—6 & 7 Will. IV. c. 86. s. 35.

23. *Residence.*

The Curate is expected to *reside* in the Parish to which he is licensed, and where the Incumbent is *non-resident*, at no greater distance than *three statute miles* from the Church or Chapel he has to serve, except in cases of necessity, and approved by the Bishop. Where there is a *Parsonage House*, he may be required to occupy it in the case of *non-residence* of the Incumbent. The *Licence* is to specify where the Curate is to reside, as directed by the Statute:—

I. *Inserted in the Licence.*—‘Such Licence shall in every case specify whether the Curate is required to *reside within the Parish* or place, or not; and if the Curate is permitted by the Bishop to *reside out of the Parish* or place, the grounds upon which the Curate is so permitted to reside out of the same shall be specified in such Licence, and the distance of the Residence of any Curate from any such Church or Chapel which he shall be licensed to serve shall not exceed *three Statute Miles*, except in cases of necessity, to be approved by the Bishop, and specified in the Licence.’—1 & 2 Vict. c. 106. s. 75.

II. *Must reside on the Benefice*, or within *three miles* of the Church or Chapel.—‘In every case where a Curate is appointed to serve in any Benefice upon which the Incumbent either does not reside, or has not satisfied the Bishop of his full purpose to *reside during four months* in the year, such Curate shall be required by the Bishop to *reside within the Parish* or place in which such Benefice is situate, or if no convenient residence can be procured within such Parish or place, then *within three statute miles* of the Church or Chapel of the Benefice in which he shall be licensed to serve, except in cases of necessity to be approved of by the Bishop, and specified in the Licence; and such place of Residence shall also be specified in the Licence.’—ib. Sect. 76.

III. *In Parsonage House free from Rent, &c.*—‘It shall be lawful for the Bishop who shall have granted any Licence to any Curate to serve in any Benefice, the Incumbent whereof is not resident for *four months* in each year, and who shall have required such Curate to reside in the House of Residence belonging to the Benefice, to assign to such Curate such House of Residence together with the Offices, Stables, Gardens, and Appurtenances thereto belonging, or any part or parts thereof, without payment of any Rent, and also to assign any portion of Glebe-land adjacent to the House, and not exceeding *four Statute Acres*, at such rent as shall be fixed by the Archdeacon of the Archdeaconry, or by the Rural Dean, if any, of the Deanery or district



within which the Benefice is situate, and one neighbouring Incumbent, and approved of by the Bishop, *during the time of such Curate's serving the Cure*, or *during the non-residence of the Incumbent* of such Benefice; and it shall be lawful for the Bishop making any such Assignment to any Curate, to *sequester the profits of the Benefice in any case in which possession of the Premises so assigned shall not be given up to the Curate*, and until such possession shall be given, and to direct the application of the profits arising from such sequestration as is hereinbefore directed in the case of sequestration for non-residence (*Sect. 54.*), or to remit the same, or any part thereof, as the Bishop shall in his discretion think fit.—ib. *Sect. 93.*

The CURATE of a *non-resident* Incumbent should take care that the provisions of this *section* be rigidly adhered to in completing his engagements, otherwise he may be involved in much unpleasantness, if not litigation, should any disagreement arise between him and his Incumbent. (See '*Notice to Quit*').

IN ARCHBISHOP WAKE'S Instructions to the Bishops of his province (A. D. 1716) we read:—'That you take care as much as is possible, that whosoever is admitted to serve any cure, do reside in the Parish, where he is to serve, especially in livings that are able to support a *resident Curate*; and where that cannot be done, that they do at least reside so near to the place, that they may conveniently perform all their duties both in the Church and Parish.'—CARDWELL'S *Doc. Ann.* ii. 371.

\* This appears to be derived from an old *Constitution* of ORTO, which thus reads:—'Provideant igitur Diocesani, ut semper apud Ecclesiam resident aliquis, qui de animarum curâ sit sollicitus, ac se in celebratione divinorum, et collatione sacramentorum, exerceat utiliter, et honeste. De residentia vero in Ecclesia a Rectoribus facienda, videtur nobis consulendum facto potius quam statuto. Extant enim consilia Romanorum Pontificum inclaris loquentia. Super ea præterea major requiritur executio factorum, quam editio sanctionum.'—GIBSON'S *Codex.* p. 921.

## 24. Revocation of Licence.

Although, as stated under '*Notice to Quit*,' a licensed Curate is not easily removed, yet the Bishop possesses the summary power of displacing a Curate at any time he may think fit, without formal process of law, yet not without sufficient reason, by merely *withdrawing his Licence*. Two cases are warned against

in the *Note* annexed to the Licence itself; as when a Curate 'accepts a *smaller Stipend* than the sum assigned in the Licence; or who undertakes the 'Duty of *another Cure* without the Bishop's sanction.' The Curate, however, has the *right of Appeal*; thus:—

I. 'The *Bishop* shall have power, after having 'given to the Curate sufficient opportunity of showing reason to the 'contrary, to *revoke* summarily and without further process, *any* 'Licence granted to any Curate, and to *remove such Curate*, for 'any *cause* which shall appear to such Bishop to be *good and* 'reasonable; Provided always, that any such Curate may *within* 'one month after service upon him of such Revocation, *appeal* to the 'Archbishop of the province, who shall confirm or annul such 'Revocation as to him shall appear just and proper.'—1 & 2 Vict. c. 106. s. 98.

A *Copy of the Revocation* is required to be entered in the Registry of the Diocese, in the Register Book appointed, and open to inspection on payment of the *fee* of 3s.; and a Copy is also to be transmitted to the Churchwardens or Chapelwardens of the Parish or place to which the same relates. (See under *Licencee*, supra.)

II. If *annulled*, the Revocation is to be withdrawn.—It is 'provided also that in case the Archbishop shall on 'appeal to him, *annul the Revocation* of any such Licence, the 'Bishop by whom such Revocation shall have been made shall, 'immediately on receiving notice from the Archbishop that he had 'annulled the same, make the like order as hereinbefore directed,' (viz:—'by writing under his hand that the copies of such Revocation shall be forthwith *withdrawn* from the said Registry, and 'Parish Chest.....and that such Revocation shall be *erased from* 'the list of Revocations in the said Registry'—by Sect. 50.); 'which 'order shall be binding on the Registrar and Churchwardens respectively to whom the same shall be addressed.'—ib. Sect. 102.

In the case of *Hodgson v. Dillon*, it was said:—'A Licence may 'be revoked by the Bishop without his assigning any reason for so 'doing.' (2 Curt. 393).

In the case of *Barnes v. Shore* it was decided:—'A Clergyman 'persisting in officiating in an unconsecrated Chapel, after his 'Licence had been *revoked* by the Bishop, was monished to abstain 'for the future, and condemned in the costs of the proceedings.' 1 Robert. 382.; S. C. 4, Notes of Cases, 593; *Freeland v. Neale*, Arches Ct. 26 May, 1848, 12 Jur. 635.; 11 Law Times, 535. (See WADDILOVE'S *Digest*, 220.).

In the COLONIES this arbitrary power of *revoking* a *Licencee* is repudiated. In the proceedings at a

meeting of the Metropolitan and Suffragan Bishops of Australia, held at Sidney from October 1st to November 1st, 1850, it was thus observed:—‘In consequence of statements which have been made in various places of the arbitrary power possessed by Bishops to *suspend* or *revoke* at their own discretion the Licences of Clergymen, we disclaim all wish to exercise any such power, and we are of opinion that in all cases of doctrinal error, or other Ecclesiastical Offences, the Bishops of the Province should be the Court for the trial of a Bishop, and that the Diocesan Synod should be the Court for the trial of a Presbyter or Deacon, and that the Metropolitan and the Bishop of the Diocese respectively should be *ex officio* Presidents of such Courts, either in person, or by their commissioners.’—*Eccl. Gazette*. June 10th, 1851.

ABP. LAUD says:—‘I think the Canon intends, that after a man is once admitted a Curate, the Parson or Vicar of the place should not have power to put them off at pleasure, but only for such criminal unworthiness, as might deprive him of his Benefice, if he had one.’—CARDWELL’S *Doc. Ann.* ii. 185.

*Resignation.* See *supra*, and *Index*.

*Rubrics.* See *Conformity*, and *Ordination Costume*.

*Scotch Clergy.* See *Foreign Clergy*.

### *Sequestration.*

In *Sequestrations* the Churchwardens cannot prevent a Minister appointed under the sequestration from officiating in the Church.—STEPHENS’ *Laws of the Clergy*. p. 345.

## 25. *Serving Cures Limited.*

A Curate may not undertake the Duty of *another Cure* than the one to which he is licensed without the Bishop’s sanction, as stated under *Revocation*. He is also forbidden, both by the Canon, and Statute Law, to serve *more than two Benefices in one day*. Thus:—

By Canon 48.—‘No Curate or Minister.....shall serve *more than one Church or Chapel* upon one day, except that Chapel be a member of the Parish Church, or united thereunto; and unless the said Church or Chapel, where such a Minister shall serve in two places, be not able, in the judgment of the Bishop or Ordinary, to maintain a Curate.’

*Except in case of Emergency.*—‘No spiritual person shall serve more than two Benefices in one day unless in case of unforeseen and pressing emergency; in which case the spiritual person who shall so have served more than two Benefices shall forthwith report the circumstance to the Bishop of the Diocese.’—1 & 2 Vict. c. 106. s. 106.

ARCHBP. WAKE issues a similar injunction to the Bishops of his Province in 1716; thus—‘That you do not allow any Minister to serve more than one Church or Chapel in one day, except that Chapel be a Member of the Parish Church, or united thereunto; and unless the said Church or Chapel, where such a Minister shall serve in two places, be not able, in your judgment, to maintain a Curate.’—CARDWELL’s *Doc. Ann.* ii. 370.

*Simoniacal Ordination.* See *supra*, and *Index*.

## 26. *Stipend.*

The subject of *Stipend* is probably a very important consideration with the Stipendiary Curate, and the most satisfactory information he can acquire will be derived from his being put in possession of the several enactments of 1 & 2 Vict. c. 106., by which the amount, in most cases, is regulated. The remuneration to an *unlicensed Curate* for temporary duty, or occasional assistance, does not come within the range of this Statute, but depends solely on the private arrangement, and understanding, entered into between the parties concerned. In these cases, and indeed in all pecuniary transactions, it is strongly recommended that a *written memorandum*, or *agreement*, be drawn up and subscribed by the contracting parties, which will not only prevent disputes arising from forgetfulness or misconception, but it is necessary in Law; particularly when the contract is for *more than a year*, otherwise, by the ‘*Statute of Frauds*,’ no action can be brought in default thereof, as was decided in the late case of *Roberts* (Clerk) v. *Tucker* (Clerk). Thus:—

*Agreement must be in writing.*—‘No action shall be brought whereby to charge the Defendant upon any special promise to answer for the debt, default, or miscarriages of another

'person.....upon any *Agreement* that is not to be performed within the space of one year from the making thereof; unless the *Agreement* upon which such action shall be brought, or some *Memorandum*, or *Note* thereof shall be *in writing*, and *signed* by the party to be charged therewith, or some other person thereunto by him lawfully authorized.'—29 Car. II. c. 3. s. 4. (the '*Statute of Frauds*.')

I. *Agreements* must not be contrary to the Licence, or the requirements of the Act, 1 & 2 Vict. c. 106.—'All *Agreements*, made or to be made between persons holding Benefices, and their Curates, in *fraud* or derogation of the provisions of this Act; and all *Agreements* whereby any Curate shall undertake, or in any manner bind himself to accept or be content with any *Stipend less than* that which shall be assigned by his *Licence*, shall be void to all intents and purposes, and shall not be pleaded or given in evidence in any Court of law or equity; and, notwithstanding the payment and acceptance, in pursuance of any such *Agreement*, of any *sum less than* that assigned by the Licence, or any receipt, discharge, or acquittance that may be given for the same, the Curate and his personal representatives shall be and remain entitled to the full amount of the *Stipend* assigned by his Licence; and the payment of so much thereof as shall be proved to the satisfaction of the Bishop to remain unpaid shall, together with full costs of recovering the same as between proctor and client, be enforced by *monition*, and by *sequestration* of the profits of the Benefice, to be issued by the Bishop for that purpose on application made by the Curate or his representatives; provided that such *application* shall in every such case be made to the Bishop *within twelve months* after such Curate shall have quitted his Curacy, or have died.'—1 & 2 Vict. c. 106. s. 90.

\* \* The *Receipt* declared in this section to be void is when it purports to be for a *less sum* than that assigned by the Licence; when the *Receipt* is given for the *full sum* assigned in the Licence, and a *less amount* by some private or secret stipulation be received, no parole evidence will go in contradiction of the *written Receipt*, or discharge.

II. *Appointed sometimes by the Bishop*.—'It shall be lawful for the *Bishop* of the Diocese, and he is hereby required, subject to the several provisions and restrictions in this Act contained (see below), to appoint to every Curate of a *Non-resident* Incumbent such *Stipend* as is specified in this Act.'—ib. Sect. 83.

III. *Arrears* may be claimed, according to the opinion of *Cripps* in his work on the 'Laws relating to the Church and the Clergy,' which had accrued within six years preceding, the recovery of which would not be barred by the Statute of Limitations. See '*Disputes*.'

*Note*.—A *Declaration* in respect of the bona-fide paying and receiving of the *Stipend* assigned, must be annexed to the Curate's Nomination. (See under *Licence*, and INDEX).

#### IV. *Deductions for Rates, and other charges.*—

‘In every case in which the Bishop shall assign to any Curate a Stipend equal to the *whole annual value of the Benefice*, in which he is licensed to serve, such Stipend shall be subject to Deduction in respect to all such *charges and outgoings* as may legally affect the value of such Benefice, and to any *loss or diminution* which may lessen such value, without the wilful default for neglect of the spiritual person holding the Benefice.’—*ib. Sect. 91.*

#### V. *Dilapidations, and Repairs.*—

‘In every such case it shall be lawful for the Bishop upon the application of the Spiritual Person holding the *Benefice*, to allow such spiritual person to *retain in each year* so much money, not exceeding in any case *one fourth* part of the annual value, as shall have been actually expended during the year in the *repair of the Chancel*, and of the *House of Residence*, and premises and appurtenances thereto belonging, in respect of which such Spiritual Person, or his Executors or Administrators, would be liable for *Dilapidation* to the Successor. And it shall also be lawful for the Bishop, in like manner, to allow any Spiritual Person holding any Benefice, the annual value whereof shall not exceed £150., to *deduct from the Stipend* assigned to the Curate, in each year, so much money as shall have been actually expended in such *repairs*, above the amount of the surplus remaining of such value *after payment of such Stipend* : provided that the sum so deducted, after laying out such surplus, shall not in any year exceed *one fourth part* of such Stipend.’—*ib. Sect. 92.*

\* \* That is to say—When the *Stipend* and *Repairs* together exceed the annual value, the excess may be *deducted from the Stipend* to the extent of a *fourth part* of the Stipend, but no more.

#### VI. *Disputes.*—

‘In case any *Difference* shall arise between the Incumbent of any Benefice and his Curate touching his *Stipend*, or the *payment thereof*, or of the *arrears* thereof, the Bishop, on complaint to him made, may and shall summarily hear and *determine the same*, without appeal ; and in case of wilful neglect, or *refusal to pay such Stipend*, or the *arrears thereof*, he is hereby empowered to enforce payment of such Stipend, or the arrears thereof, by Monition, and by Sequestration of the profits of such Benefice.’—*ib. Sect. 83.*

#### VII. *District Churches* erected under Church

Building Acts, or by *Subscription*, or by *Rates*—In these the *Stipend* is to be paid out of the *Pew Rents*, to the amount agreed upon between the Bishop and the Church Building Commissioners. The Parish, however, is not liable in case of any deficiency in the *Pew Rents*. The Acts state:—

‘That the Commissioners are to make such Orders as they shall deem expedient as to the Amount of Rent to be reserved for each *Pew* or *Seat* in any such Church or Chapel; and the produce of such *Rents* shall form a fund, out of which *provision* shall be made for the *Spiritual Person* appointed to serve the Church or Chapel, and for a *Clerk*.’—58 *Geo. III. c. 45. s. 63.*

‘And it shall be lawful for the said Commissioners to assign out ‘of *Pew Rents* a proper *Stipend* to the Spiritual Person serving any such Church or Chapel, with the consent of the Bishop of the Diocese, regard being had to the extent and population of the District assigned to the Church or Chapel, and the sum which may probably be necessary to enable such Spiritual Person to procure a residence in the District, and to all other circumstances;..... and if the Commissioners and Bishops do not agree as to the amount of any such *Stipend*, such amount shall be settled by the Archbishop.’—*ih. Sect. 64.*

But ‘the *Parish* shall not in any such case be answerable to such *Minister* or *Clerk* for any greater sum in each year than the amount of the *Rent of the Pews* which shall have been actually let during the preceding year in any such Church or Chapel.’—*59 Geo. III. c. 134. s. 26.*

*Grant, &c. to be enrolled.*—‘Every *Deed, Grant, or Endowment* (or *Assignment*), for assuring a provision or *Salary* to the Spiritual Person serving any Church or Chapel under this Act shall be enrolled in the Court of Chaucery, and registered in the Registry of the Diocese.’—*58 Geo. III. c. 45. s. 72; 59 Geo. c. 134. s. 28.*

*Surplus.*—The *Stipend* may be augmented from the *Surplus Pew Rents* after a House of Residence has been provided, and all liabilities have been discharged, and the expences of keeping the Church or Chapel in repair have been defrayed: provided, that is, the Commissioners and the Bishops assent thereto.—*3 & 4 Vict. c. 60. s. 5.*

Churches or Chapels built by *Subscription*, or by *Rates*, are liable to these regulations, as directed by *5 Geo. IV. c. 103. ss. 5—10.*

*District Churches or Chapels* are deemed ‘*Perpetual Curacies*’ by *1 & 2 Will. IV. c. 38. s. 12.*

VIII. *Interchange of Duty.*—‘If any Incumbent of two *Benefices*, residing bonâ-fide in different proportions of every year on one or other of such *Benefices* the full period specified by this Act, shall employ a Curate to perform Ecclesiastical duty interchangeably from time to time upon such of the *Benefices* from which he shall be absent during his own actual residence upon the other thereof, it shall be lawful for the Bishop to assign to such Curate any *Stipend*, not exceeding such *Stipend* as would be allowed under this Act for the larger of such *Benefices*, nor less than would be allowed for the smaller, (see below), as to the Bishop shall, under all the circumstances, appear just and reasonable: provided always, that if any such Incumbent shall employ a Curate or Curates for the whole year upon each of such *Benefices*, such Incumbent so residing bonâ-fide as aforesaid, in such case it shall be lawful for the Bishop to assign to either or each of such Curates any such *Stipend* less than the amount specified in this Act, as he shall think fit.’—*1 & 2 Vict. c. 106. s. 88.*

IX. *Lunacy cases.*—‘In case of a *Stipend* being assigned by the Bishop, according to the provisions of this Act, to the Curate of any Benefice, the *Incumbent* whereof shall have been duly found a *lunatic*, or person of unsound mind, the *Committee of the estate* of any such *lunatic*, or person of unsound mind, shall pay such *Stipend* to such Curate out of the profits of the Benefice which shall come to his hands.’—ib. *Sect.* 79.

X. *Old Incumbency.*—‘It shall not be lawful for the Bishop to appoint for the Curate of any Benefice, to which the spiritual person holding the same was instituted, licensed, or otherwise admitted before July 20th, 1813, any *Stipend* exceeding £75 per annum, together with the use of the House of Residence, and the Gardens, and Stables belonging thereto, or a further sum of £15. in lieu of the use of the Rectory, or Vicarage House, or other House of Residence, in case there shall be no House, or it shall not appear to the Bishop, convenient to assign the House to the Curate.’—ib. *Sect.* 84.

XI. *Scale of Stipends.*—‘In every case in which any spiritual person shall have been, since July 20th, 1813, or shall hereafter be instituted, inducted, nominated, or appointed to, or otherwise become Incumbent of any Benefice, and shall not duly reside thereon, the Bishop shall appoint for the Curate licensed under the provisions of this Act to serve such Benefice such *Stipend* as is hereinafter next mentioned; that is to say:—

		<i>per annum.</i>
In no case must the <i>Stipend</i> be less than .....		£80.
If the population amount to 300 the <i>Stipend</i> must be		£100.
Ditto .....	500 .....	£120.
Ditto .....	750 .....	£135.
Ditto .....	1000 .....	£150.

In either case the *amount of the Benefice* itself is to be paid, if the annual income does not exceed these sums respectively.—ib. *Sect.* 85.

\*.\* As there is no law for the guidance of *Resident Incumbents* in this respect, many adopt the scale given above in fixing the *Stipends* of their Curates: some take the full amount of the population as their rule; others, a due proportion. But in the generality of instances the *Stipends* offered are dependent upon circumstances and contingencies. The Bishop’s sanction, however, is necessary in all these cases *before a Licence will be granted.*

XII. *Scale Enlarged.*—‘Where the Annual value of any such Benefice shall exceed £400, it shall be lawful for the Bishop to assign to the Curate, being resident within the same, and serving no other Cure, a *Stipend* of £100, notwithstanding the population may not amount to 300 persons: and that where the Annual value of any such Benefice shall exceed £400, and the population shall amount to 500 persons, it shall be lawful for



'the Bishop to assign to the Curate, being resident within the same, and serving no other Cure, *any larger Stipend*, so that the same shall not exceed by more than £50 *per Annum* the amount of the Stipend hereinbefore (in *Sect. 85. above*) required to be assigned to any such Curate.'—*ib. Sect. 86.*

**XIII. *Scale Reduced in case of Age, Sickness,***  
&c.—'In every case in which the Bishop shall be satisfied that any spiritual person holding any Benefice within his Diocese is Non-resident, or has become incapable of performing the duties thereof from *age, sickness, or other unavoidable cause*, and that, from these, or from any other special and peculiar circumstances, *great hardship or inconvenience would arise* if the full Stipend specified in this Act should be allowed to the Curate of such Benefice, it shall be lawful for such Bishop, *with the consent of the Archbishop* of the province, to be signified in writing under the hand of the said Archbishop upon the Licence to be granted to such Curate, *to assign to the Curate such Stipend less than the full amount* in this Act specified, as shall appear to him just and reasonable; provided always, that in the Licence granted in every such case *it shall be stated*, that for special reasons the Bishop hath not thought proper to assign to the Curate the full stipend required by this Act; provided also, that *such special reasons shall be entered fully* in a separate book to be kept for that purpose, and to be deposited in the Registry of the Diocese; which Book shall be open to inspection with the leave of the Bishop, as in the cases of application for Licences for non-residence.'—*ib. Sect. 87.*

**XIV. *Sequestration.***—'Upon the Avoidance of any Benefice, by death, resignation, or otherwise, the Sequestrator appointed by the Bishop shall, *out of the profits* thereof which shall come to his hands, *pay to the Curate* or Curates appointed by such Bishop to perform the Ecclesiastical duties of such Benefice during the vacancy thereof, *such Stipend or Stipends as shall be ordered* to be paid to him or them by such Bishop, not exceeding the respective Stipends allowed by this Act, and in proportion only to the time of such vacancy.'—*ib. Sect. 100.*—

'Provided always, and be it enacted, that *if the profits* of such Benefice which shall have come to the hands of such Sequestrator during the vacancy thereof *shall not be sufficient* to pay such Stipend, the same, or so much thereof as shall remain unpaid *shall be paid* to such Curate by the succeeding Incumbent of such Benefice out of the profits thereof; and such Bishop is hereby empowered and required, if necessary, to enforce payment of the same by Monition, and by Sequestration of the profits of such Benefice.'—*ib. Sect. 101.*

**XV. *Two Parishes.***—'In every case where the Bishop shall find it necessary or expedient, for obtaining the proper performance of Ecclesiastical Duties, to license any spiritual person holding any Benefice, *to serve as Curate of any adjoining or other Parish* or place, it shall be lawful for such Bishop, if he shall think fit, to assign to such person so licensed a Stipend less by a sum not exceeding £30 *per Annum*, than the Stipend which

'in the several cases in this Act specified the Bishop is required to assign; and in every case where the Bishop shall find it necessary or expedient to license the same person to serve as Curate for two Parishes or places, it shall be lawful for such Bishop, if he shall think fit, to direct that during such time as such Curate shall serve the Churches or Chapels of such two Parishes or places, the Stipend to be received by him for serving each of the said Churches or Chapels shall be less by a sum not exceeding £30 per Annum than the Stipend which in the several cases hereinbefore specified (in Sect. 85. above) the Bishop is required by this act to assign.'—ib. Sect. 89.

## 27. *Substitute.*

When, from illness, or other cause, a *Substitute* for one or more Sundays is required, and no gratuitous aid is within reach, the usual remuneration for such Substitute is *one Guinea* the Service, or *two Guineas* the Sunday. Where the locality is not within moderate distance, or not approachable by ordinary conveyance, the expences of transit will be additional. Sometimes all charges are included in a *three Guinea* payment for each Sunday. *Fees, Hat-bands, Scarfs, Gloves, &c.* appertaining to any Service or Duty performed by such temporary Substitute, fall not to him, but belong to the spiritual person for whom he is *officiating*, or who may be properly entitled to them.

The BISHOP OF LONDON (*Dr. Blomfield*) requires of the Clergy of his Diocese:—'That you will not permit any Clergyman to officiate as your *temporary substitute* or *assistant*, not being a personal friend or acquaintance of your own, who shall not have first exhibited to me his *Letters of Orders*, and *Testimonials*; and that no Clergyman, serving only one Church, omit either Morning or Evening Service on Sundays.' (p. 66.)—*Charge*. 1842.

The directions of the Canons (50th, and 52nd) in this matter must not be lost sight of.

CANON 50.—'Neither the Minister, Churchwardens, nor any other officers of the Church, shall suffer any man to preach within their Churches or Chapels but such as by showing their Licence to preach, shall appear unto them to be sufficiently authorized thereunto, as is aforesaid.'

CANON 52.—'That the Bishop may understand (if occasion so require) what Sermons are made in every part of his Diocese,

‘and who presume to preach *without Licence*, the Churchwardens and Sidesmen shall see that the names of all Preachers, which come to their Church from any other place, be *noted in a Book*, which they shall have ready for that purpose; wherein every Preacher shall subscribe his Name; the Day when he preached, and the Name of the Bishop of whom he had *Licence to preach*.’

Mr. H. W. CRIPPS, (*Barrister-at-Law*), remarks upon these *Canons*:—‘And formerly a Churchwarden has actually been committed to gaol by Justices of the Peace for permitting one who was a Stranger to preach in his Church without having first demanded to see his Licence, although in fact the Preacher was duly licensed, and the commitment was held good. But the reasons for the great strictness formerly enjoined having ceased, the directions of the various *Canons* in this respect are no longer acted upon; the enquiries made by the Churchwardens of strange Preachers, and the entries by them in Books for that purpose, have generally long since fallen into disuse, although such Books are still to be found kept in some Churches.’ (p. 602.)  
—*On the Laws relating to the Church and the Clergy.*

We, however, cannot quite subscribe to all that *Mr. Cripps* observes on this point; we think that the *Canons*, where practicable, and when they do not interfere with existing Statutes, nor impose burdens on the laity, from which they have been long exempt; should not be allowed to fall into desuetude. (See *Register of Strange Preachers* Vol. D.)

*Subscription. See Oath.*

## 28. Testimonials.

*Testimonials* are required both by Canon, and Statute Law to be presented to the Bishop before Candidates can be ordained to Holy Orders. Likewise, on removing to a new sphere of duty, whether in the same Diocese, or in another, either to take a *Curacy*, or enter on an *Incumbency*, *Testimonials* are equally necessary.

In Canon 34 we read—‘No Bishop shall henceforth admit any person into *Sacred Orders* .....except he shall then exhibit *Letters Testimonial* of his good life and conversation under the *Seal* of some *College of Cambridge*, or *Oxford*, where before he remained; or of *three or four grave Ministers*, together

‘with the subscription and testimony of other credible persons, who have known his life and behaviour by the space of *three years next before*.’

By *Statute Law*.—‘None shall be made *Minister*, or admitted to *preach*, or administer the Sacraments... unless he first bring to the Bishop of that Diocese, from men known to the Bishop to be of sound religion, a *Testimonial* both of his honest life, and of his professing the doctrine expressed in the said Articles (the xxxix).’—13 *Eliz. c. 12. s. 5.*

In *Removing* from one Diocese to another *two Testimonials* are required; one from *three Beneficed Clergymen*, counter-signed by the Bishop of the Diocese whence the Curate comes by way of attestation to the identity of their signatures, and another *from the Bishop himself*, as enjoined in *Canon 48*. (See “*Testimonial*” in INDEX.)

‘No Curate or Minister shall be permitted to serve in any place without examination and admission of the Bishop of the Diocese, or Ordinary of the place, having Episcopal jurisdiction, *in writing* under his hand and seal, having respect to the greatness of the Cure, and meetness of the party. And the said Curates and Ministers, if they *remove* from one Diocese to another, shall not be by any means admitted to serve without *testimony of the Bishop of the Diocese*, or Ordinary of the place, as aforesaid, whence they came, *in writing*, of their honesty, ability, and conformity to the Ecclesiastical Laws of the Church of England.’—*Can. 48.*

In the “*Book of Advertisements*” it was also ordered:—‘Against the day of giving of Orders appoynted, the Byshope shall give open monitions to all men to except agaynste suche as they knowe not to be worthy either for life or conversation.’  
CARDWELL’S *Doc. Ann.* i. 293.

ABP. TENISON writes to the Bishops of his Province (A. D. 1695.) saying:—‘When any Minister removes out of your Diocese into another, to any cure of souls, I desire you in a letter to the Bishop into whose Diocese he is going, to give a just character of him. Also, when any such Minister comes into your Diocese, not to admit him, but with the like letter from his former Diocesan; or in a vacancy, from the Guardian of the Spiritualities.’  
CARDWELL’S *Doc. Ann.* ii. 336.

ABP. WAKE also says in his Instructions to the Bishops of his Province (A. D. 1718).—‘I do very earnestly recommend to you, that you require of every person, who desires to be admitted into Holy Orders, that he signify to you his *name* and *place of abode*, and transmit to you his *testimonial*, and a *certificate of his age* duly attested, *with the Title*, upon which he is to be Ordained, at least twenty days before the time of Ordination:’—  
CARDWELL’S *Doc. Ann.* ii. 368.

Also:—‘That you do not by any means admit any Minister, who removes from another Diocese, to serve as a Curate in yours, without testimony of the Bishop of that Diocese, or Ordinary of the peculiar jurisdiction, from whence he comes, *in writing*, of his honesty, ability, and conformity to the Ecclesiastical laws of the Church of England.’—*ibid.* ii. 370.

*Canon 39.* directs:—‘No Bishop shall institute any to a Benefice, who hath been ordained by any other Bishop, except he first show unto him his Letters of Orders, and bring him a sufficient *Testimony* of his former good life and behaviour, if the Bishop shall require it; and lastly, shall appear, upon due examination, to be worthy of his Ministry.’

## 29 *Trading.*

The occupation of *Buying* and *Selling*, as a matter of *Trade*, is quite incompatible with the Ministerial function, and is therefore forbidden by the Statute Law. This does not preclude the employment of the intellectual powers for the sake of gain, as in *Teaching* or *Authorship*, or in the ‘*Direction*’ of *Benefit* or *Assurance Societies*. Nor does it forbid the disposing of the surplus produce of the Glebe Land, or of Mines: here, however, the Law will not admit of a personal attendance of a ‘*Spiritual Person*’ in any *Market*, *Fair*, or place of public resort, for the purpose of buying or selling what is permitted.

*I. Forbidden.*—‘It shall not be lawful for any spiritual person holding any Cathedral preferment, Benefice, Curacy, or Lectureship, or who shall be licensed, or allowed to perform such duties as aforesaid, by himself or by any other for him or to his use, to engage in or carry on any *Trade or Dealing for gain* or profit, or to deal in any goods, wares, or merchandize, unless in any case in which such *Trading* or *Dealing* shall have been, or shall be, carried on by or in behalf of any number of partners exceeding the number of six, or in any case in which any *Trade* or *Dealing*, or any share in any *Trade* or *Dealing*, shall have devolved, or shall devolve, upon any spiritual person, or upon any other person for him or to his use, under or by virtue of any devise, bequest, inheritance, intestacy, settlement, marriage, bankruptcy, or insolvency; but in none of the foregoing excepted cases shall it be lawful for such spiritual person to act as a *Director*, or *Managing Partner*, or to carry on such *Trade* or *Dealing* as aforesaid in person.’—1 & 2 ‘*Vict. c. 106. s. 29.*’

‘His *illegally acting*, however, does not damage the *Copartner-ship*, or nullify any contract thereof.’—4 & 5 ‘*Vict. c. 14. s. 1.*’

II. *Not extending to Teaching &c.*—‘Nothing hereinbefore contained shall subject to any penalty or forfeiture any spiritual person for keeping a *School* or *Seminary*, or acting as a *Schoolmaster* or *Tutor* or *Instructor*, or being in any manner concerned or engaged in giving instruction or education for profit or reward, or for buying or selling, or doing any other thing in relation to the management of any such *School*, *Seminary*, or employment, or to any spiritual person whatever for the buying of any goods, wares, or merchandizes, or articles of any description, which shall without fraud be bought with intent, at the buying thereof, to be used by the spiritual person buying of the same, for his family or in his household, and after the buying of any such goods, wares, or merchandizes, or articles, selling the same again or any part thereof which such person may not want or choose to keep, although the same shall be sold at an advanced price beyond that which may have been given for the same.—OR, for disposing of any Books or other works to or by means of any Bookseller or Publisher.—OR, for being a Manager, Director, Partner, or Shareholder in any *Benefit Society*, or *Fire* or *Life Assurance Society*, by whatever name or designation such Society may have been constituted.—OR, for any buying or selling again for gain or profit, of any Cattle, or Corn, or other articles necessary or convenient to be bought, sold, or kept, maintained by any spiritual person, or any other person for him or to his use, for the occupation, manuring, improving, pasturage, or profit of any Glebe, demesne lands, or other lands or hereditaments which may be lawfully held and occupied, possessed, or enjoyed by such spiritual person, or any other for him or to his use (See *Farming*).—OR, for selling any Minerals the produce of Mines situated on his own lands. So nevertheless that no such spiritual person shall buy or sell any Cattle, or Corn, or other articles as aforesaid in person in any Market, Fair, or Place of Public Sale.’—1 & 2 Vict. c. 106. s. 30.

III. *Penalty.*—‘If any Spiritual Person shall Trade or Deal in any manner contrary to the provisions of this Act, it shall be lawful for the Bishop . . . to cause such person to be cited before his Chancellor or other competent Judge, and it shall be lawful for such Chancellor or other Judge, on proof in due course of law of such Trading to suspend such spiritual person for his first offence, for such time not exceeding one year, as to such Judge shall seem fit; and on proof in like manner . . . of a second offence, committed by such spiritual person subsequent to such sentence of suspension, such spiritual person shall, for such second offence, be suspended for such time as to the Judge shall seem fit; and for his third offence be deprived ab officio et beneficio,’ &c. . . . and the Patron may proceed to present or nominate as if he were dead: during Suspension the profits of such preferment or Benefice are to be sequestrated by the Bishop.’—ib. Sect. 31.

*Wales, Clergy in.* See INDEX.

### 30. Vestry Meetings.

A *Stipendiary Curate*, when an assistant to a *resident Incumbent*, cannot claim merely by virtue of his office the right to attend, and vote, in a Vestry Meeting. To possess this privilege, if it may be called a privilege, he must be '*assessed and rated for the relief of the Poor*,' as enjoined in the Statute 59 Geo. III. c. 85.

But when the Incumbent is *Non-resident*, either by licence, or by legal exemption, the *Stipendiary Curate*, who has the '*sole charge*' of the Parish, may be considered as his representative, and whether a rate-payer or no, is by custom entitled not only to attend Vestry Meetings, but also to take the *chair* therein. The Vestry Act, however, not having assigned such right to the *Stipendiary Curate* in the case of the absence or *non-residence* of the Incumbent has caused this claim of his in some places to be disputed, and opposed. The Act runs as follows:—

'For the more orderly conduct of Vestries, be it further enacted, 'that in case the *Rector*, *Vicar*, or *Perpetual Curate* shall not 'be present, the persons so assembled in pursuance of such notice 'shall forthwith nominate and appoint, by plurality of votes, to be 'ascertained as hereinafter is directed, *one of the inhabitants* of such 'Parish to be the *Chairman of*, and *preside in*, every such Vestry.'—58 Geo. III. c. 69. s. 2.

In *Select Vestries* the Law on this subject is:—

'That the *Rector*, *District Rectors*, *Vicar*, *Perpetual Curate*, 'and Churchwardens of the said Parish shall constitute a part of 'the said Vestry, and shall vote therein, in addition to the Vestry- 'men as aforesaid elected under this Act: Provided always, that no 'more than *One* such *Rector*, or other such *Minister* as aforesaid, 'from any one Parish or Ecclesiastical District as aforesaid, shall *ex officio* be a part of, or vote at, any Vestry Meeting.'—1 & 2 Will. IV. c. 60. s. 23.

And in respect of '*taking the Chair*,' this last Act proceeds:—'Be it further enacted, that at every meeting of any 'Vestry, in the *absence* of the persons authorized by *Law* or *Custom* 'to take the *Chair*, the members present shall *elect a Chairman* for 'the occasion before proceeding to other business.'—ib. Sect. 30.

The right of an *Incumbent* to attend a Vestry Meeting, and take the *Chair* therein, whether the Meeting be held in the Church itself, or in a separate building, the Laws above quoted clearly establish.

The right of a *Stipendiary Curate*, however, who represents a non resident Incumbent to attend *ex officio* a Vestry Meeting, and take the *Chair*, is derived from *ancient Custom* only, originating probably in the fact of these Meetings being formerly held, and as in many cases they now are, either in the Church itself, or in the Vestry-Room *attached* to it, over which *ratione loci* the Ecclesiastical Courts have jurisdiction, and would interpose for the preservation of due order and decorum: and so, by consequence, the *Minister* upon whom devolves the responsibility of maintaining order and decorum has a kind of secondary jurisdiction. In numerous modern works on Ecclesiastical, and Parish Law, these two passages following, in respect of the presence of the *Minister* at Vestry Meetings, will be found quoted; and whether the general expression of '*Minister*' adopted therein includes the *Stipendiary Curate* has not yet been legally decided.

'Anciently, at the Common Law, every Parishioner who paid to the Church rates, or scot and lot, and no other person, had a right to come to these Meetings. But this must not be misunderstood of the *Minister*, who hath a special duty incumbent on him in this matter, and must be responsible to the *Bishop* for his care herein; and therefore in every Parish Meeting he *presides* for the regulating and directing this affair; and this equally holds whether he be Rector or Vicar.'—*Shaw's Parish Law* c. 17. quoted in *Burns' Eccl. L. Phil.* 1. p. 415. *k.*

And Again.—'The *Minister* has a right to preside at all Vestry Meetings: for a *Minister* is not a mere individual of Vestry; on the contrary, he is always described as the *first*, and as an integral part of the Parish; the form of citing a Parish being, "the *Minister, Churchwardens, and Parishioners*;" and that he and any other individual should be put in competition for the office of Chairmau would be placing him in a degraded situation, in which he is not placed by the *Constitutional* establishment of this country. In sound legal principle he is the head and *præses* of the Meeting.'—(*Wilson v. Mc. Math.* 3, Phil. 87; 3 B and. Ald. 246. *n.*)

To this may be added the opinion of *Sir J. Nicholl*, that 'Vestries for Church Matters regularly are to be called by the Church-



'wardens with the consent of the Minister'.—(*Dawe v. Williams*. 2 Add. 138.). 'But the Minister is not an essential part of the Vestry.'—(*Mawley v. Barbet*, 2 Esp. 687)

Such are the Law, and Custom, in respect of this subject; and, as regards the *Stipendiary Curate*, it is to be regretted that it is by no means very clear or satisfactory. It will require, therefore, on his part extreme caution before he assumes the *right of attending*, and *presiding* at Vestry Meetings. I may be allowed, perhaps, to advise, in order to lessen the difficulty, that the *Curate* adopt some means of becoming a *rate payer*, it matters not to how small an extent, which will of itself give him an *unquestionable right* of being *present*, and then his position and superior education will most likely lead to his being unanimously and gladly *elected* to the *chair*.

### 31. *Visitations.*

It is usual for the BISHOP to hold a *Visitation* triennially at certain convenient places in his Diocese, where the Clergy are cited to attend.

The *Citation* is usually in the following form:—

'To the Rev. The Rector (*Vicar* or *Curate*) of ———.'

'In the Diocese of ———.'

'By Virtue of a Process under the Seal of the Right Reverend A \* \* \*, Lord BISHOP of ———, I cite you to appear in the Parish Church of ———, in the Town of ———, on ———, the ——— day of ———, 18—, between the hours of Nine and Twelve in the Forenoon of the same day; then and there to exhibit your Letters of Orders, Institution, and Induction, and all other your Dispensations, Licences, or Faculties whatsoever; and likewise to pay your Procurations and Pensions, due by virtue and reason of such His Lordship's Visitation then and there to be held.'

'B \* \* \* C \* \* \*, Apparitor.'

'BISHOP'S REGISTRY,'

'———, 18—.'

Some of the Bishops have revived the ancient practice of visiting personally *every Parish*.

The ARCHDEACONS also hold *two Visitations* annually; one personally soon after Easter, and the

other by deputy about Michaelmas. At the *Easter Visitation* the presence of the *Clergy* of the Archdeaconry, and of the *Churchwardens* of each Parish is required. The *Citation* of the Clergy is as follows:—

‘To the Reverend the Rector (Vicar, or Curate,) of ———, in the ‘county of’———, and Archdeaconry of’———.

‘By Virtue of a Precept under the Seal of the Venerable ‘A \* \* \*, B \* \* \*, Clerk, Doctor of Divinity (or Master of Arts), ‘Archdeacon of the Archdeaconry of ———. I do hereby Cite you ‘to appear personally at a Visitation intended to be held by the said ‘Archdeacon, in the Parish Church of ———, in the said Archdeaconry, on ———, the ——— day of ——— next, between the hours ‘of nine and twelve o’clock in the forenoon of the same day.

‘Dated this ——— day of ———, 185—.’

‘C \* \* \* D \* \* \*.’

‘Apparitor.’

At this Visitation the *new Churchwardens* are sworn in, and Presentments are made by them as to the state of the *Church Fabric*, its *Vessels*, *Books*, *Vestments*, and *Furniture*; and other temporal matters connected with their office are here performed. These, however, will be spoken of more fully when treating of ‘CHURCHWARDENS.’ These officers have also to attend the *Michaelmas Visitation*.

Every *Incumbent* and *Licensed Curate* in the Archdeaconry are bound by their Oath of *Canonical obedience*, and by their *Ordination Vows*, to answer to the citation. At Ordination, both as *Deacon* and *Priest*, you engaged to ‘...reverently obey your ‘Ordinary, and other chief Ministers of the Church, and them to ‘whom the charge and government over you is committed, ‘following with a glad mind and will their godly admonitions.’—(*Ordering of Deacons*.)

To this was added at the *Ordering of Priests*—‘and submitting ‘yourselves to their godly judgments.’

At the *BISHOP’S Visitation* it is required:—  
 ‘Forasmuch as the chief and principal cause and use of *Visitation* is, ‘that the Bishop, Archdeacon, or other assigned to visit, may get some ‘good knowledge of the state, sufficiency, and ability of the Clergy, ‘and other persons whom they are to visit; we think it convenient ‘that every Parson, Vicar, Curate, School-master, or other person ‘licensed whosoever, do at the *Bishop’s first Visitation*, or at the ‘next Visitation after his admission, shew and exhibit unto him his ‘Letters of Orders, Institution, and Induction, and all other his

'Dispensations, and Licences, or Faculties whatsoever, to be by the said Bishop either allowed, or (if there be just cause), disallowed and rejected, and being by him approved, to be, as the custom is, signed by the Registrar; and that the whole *Fees* accustomed to be paid in the Visitations in respect of the premises, be *paid only once* in the whole time of every Bishop, and afterwards but *half* of the said accustomed Fees in every other *Visitation* during the said Bishop's continuance.'—*Canon* 137. (See also *Canon* 125).

To this *Burn* adds—'None but the Bishop, or other person exercising Ecclesiastical authority by Commission from him, hath right *de jure communi* to require these *exhibits* of the Clergy; nor doth the enacting part of this Canon convey the right to any other; and therefore if any Archdeacons are entitled to require *exhibits* in their *Visitations* it must be upon the foot of Custom.'—*Eccl. Law*, Phil. iv. p. 27.

The *Statute Law* (4 & 5. *Vict.* c. 39. s. 28.) also enjoins—'That any *Bishop*, or *Archdeacon* may hold *Visitations* of the Clergy within the limits of his Diocese or Archdeaconry, and at such *Visitations* may admit Churchwardens, receive Presentments, and do all other acts, matters, and things by custom appertaining to the *Visitations* of Bishops and Archdeacons in the places assigned to their respective jurisdiction and authority under or by virtue of the provisions of the said first or secondly recited Act.' (*viz.* 5 & 6 *Will.* IV. c. 30; 6 & 7 *Will.* IV. c. 67; 2 & 3 *Vict.* c. 55.).

Should the Curate be unable to attend from illness, or other reasonable cause, his excuse should be made by letter to the Archdeacon, directed under cover to the care of the Apparitor.

The Clergy usually appear in their *Gown*, and *Bands*; in some places, though rarely, they wear the *Square-cap*, and *Hood*. After Divine Service, and a Sermon from the Incumbent selected by the Archdeacon, each Clergyman answers to his name called over by the Apparitor, and a '*Charge*' is then usually delivered by the Archdeacon; at the conclusion of which, the Clergy retire. The *Churchwardens* are next called on, who appear and make their Presentments, &c. They afterwards place in the hands of the Registrar of the Archdeaconry the annual Copies of the *Register Books* of Baptisms, Marriages, and Burials, from their respective Parishes, written on parchment, and attested by the Officiating Minister, as directed by 52 *Geo.* III. c. 146. s. 6. (See *Supra.*)

Should they fail to do this, they will be reminded by some such notice as the following :—

‘ To the Churchwardens of the Parish of ———.

‘ July 25th, 1856.

‘ Gentlemen,

‘ I request that you will immediately transmit to my office, Copies of the Register Books of Baptisms, Marriages, and Burials, which shall have been solemnized or shall have taken place in the parish church of ———, within the year ———, and I beg to inform you that in the event of any failure in the transmission of such copies, I am required by the 8th section of Statute 52 Geo. 3. c. 146. to state the default in my report to the Bishop of the Diocese.

‘ I am, Gentlemen,

‘ Your Obedient Servant,

‘ A \* \* \* B \* \* \*.’

When business is ended, it is usual for the Clergy to meet the Archdeacon at luncheon, or dinner, in accordance with previous arrangements, but this is optional.

The proceedings are similar at the *Bishop's Visitations*. The *Fees*, called *Procuration Fees*, (which will be explained hereafter), are paid by the Incumbent, who also meets his own expences incident to his attendance at these Visitations. The *Curate's* expences are sometimes paid by the Parish; the latter usually allow *ten-shillings* to cover all charges. This payment, however, is *gratuitous*, and cannot be demanded by the Curate as of right.

*Fees* are also to be paid to the Bishop's Secretary, for ‘*viscèing*’ and *stamping* the “Letters of Orders.” They usually amount to about 3s. 6d.

The Expences of the *Churchwardens* are paid out of the Church Rate. They being ‘in all respects *bailiffs*, and not mere receivers, their expences are ‘allowed for business done on account of the ‘Parish.’—(10 *Mod.* 23.)

A *non-licensed Curate*, holding as he does but a temporary position, will not be cited to appear.

### *Worship.*

Until latterly, no Assembly or Congregation for RELIGIOUS WORSHIP was permitted to be held in

any place, unless that place were first *certified* and *registered*, as directed by the Statute, 1 *Will. & Ma. Sess. 1. c. 18*. By a later Act, *not more than 20 persons*, besides the immediate Family and Servants of the person in whose House, or upon whose premises such Meeting, Congregation, or Assembly, was held, were allowed to be present at these meetings, unless the place of such Meeting were duly certified, under penalty of not more than £20, nor less than £1; (by 52 *Geo. III. c. 155*). These two Statutes have been recently amended; and now, no prosecution is maintainable against persons holding assemblies for *Religious Worship* in places not certified, as laid down in 18 & 19 *Vict. c. 86.*, thus:—

L. 'From and after the passing of this Act, (*August 14th, 1855.*) 'nothing contained in the above-mentioned Acts, or in the 15th & '16th *Vict. c. 36.*, shall apply to the Congregations or Assemblies 'herein-after mentioned, or any of them; that is to say;—

'(1) To any Congregation or Assembly for Religious Wor- 'ship, held in any Parish, or any Ecclesiastical District, and *con- 'ducted by the Incumbent*: or in case the Incumbent is not resident, 'by the Curate of such Parish or District, or by any person au- 'thorized by them respectively:

'(2) To any Congregation, or Assembly for Religious 'Worship, *meeting in a Private Dwelling House*, or on the Premises 'belonging thereto:

'(3) To any Congregation or Assembly for Religious Wor- 'ship, meeting occasionally in *any Building or Buildings*, not 'usually appropriated to purposes of Religious Worship:

'And no Person permitting any such Congregation to meet as 'herein mentioned, in any Place occupied by him *shall be liable 'to any Penalty* for so doing.'—Section I.

With regard to the Places of Worship of *Roman Catholics*, and *Jews*, this Statute allows them the same liberty.

II. 'So much of the Act 2 & 3 *Will. IV. c. 115.* as enacts that 'Her Majesty's Subjects professing the *Roman Catholic Religion*, in 'respect to their Places for Religious Worship, shall be subject 'to the same Laws, as the Protestant Dissenters are subject to, and 'so much of the Act 9 & 10 *Vict. c. 59.* as enacts that her Majesty's 'Subjects professing the *Jewish Religion*, in respect to their Places 'for Religious Worship, shall be subject to the same Laws as 'Protestant Dissenters are subject to, shall be respectively read 'as applicable to the Laws to which protestant Dissenters in 'ENGLAND are subject for the time being after the passing of this 'Act.'—*Ibid. Sect. 2.*

## Scripture Readers.

IN Parishes very densely populated, and where the time and physical powers of the Incumbent and his Curates are not adequate to the efficient performance of the pastoral duties, the appointment of *Lay-Assistants*, called SCRIPTURE READERS, has in many instances proved extremely serviceable. Great precaution is of course necessary before entrusting so important a function to men whose qualifications have not the guarantee of Episcopal Ordination; and especial care is also required that they are found sufficiently humble-minded to submit to the directions of their superior in everything connected with their office, and not likely to presume upon the confidence reposed in them by taking upon themselves the circulation of tracts, or adopting any proceeding without authority or sanction. To aid particularly the Incumbents of the Metropolitan Parishes both with funds, and by the recommendation of persons properly qualified for such a duty, a SOCIETY was founded in 1844 under the patronage of the Archbishop of Canterbury, and the Bishops of London, and Winchester, known as the "*Church of England* SCRIPTURE READERS Association."\* The Society has been in the habit of granting half of the READER's *Stipend*; sometimes even the *whole*; and in all cases the amount is to be applied for, and renewed, annually.

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\* The OFFICES of the Society are at No. 4, *Trafalgar Square*, London, where the "Instructions" for Candidates, and other information can be obtained.

In the "*Instructions*" put forth by the Association, it seems to be a primary qualification that 'No one should offer himself as a SCRIPTURE READER unless he is solemnly convinced that his principles and habits of life are framed in accordance with the Word of God, and that his motive in seeking this occupation is a sincere and earnest desire to glorify God.' In addition to this, 'the moral and religious character of the Candidate are well enquired into, and his intelligent acquaintance with the Scriptures, both of the Old and New Testaments, and clear and distinct views of Divine Truth, tested by careful, and reiterated examination.' Every READER is expected to 'keep a regular *Journal* of each day's proceedings, noting carefully the parties visited, and mentioning the portions of Scripture read by them on each visit:' and it must comprise 'a plain narration of facts, briefly but accurately stated.' These *Journals* are from time to time to be laid before the Incumbent for his inspection, and at the end of each month brought to the Office of the 'ASSOCIATION' for the supervision of the *Clerical Secretary*.

The precise duty of the SCRIPTURE READER is to visit the *Poor* in his appointed district 'for the purpose of reading to them the Scriptures, daily and systematically, at the rate of *six hours* per diem, from week to week, and year to year, under the direction of the Incumbent:' and to assist also in the Sunday Schools. For the satisfaction of the Society, in the annual application for the *renewal* of aid, a statement is required of 'What results have followed from the operation of the grant?' (See the ANNUAL REPORTS.)

The following *Resolutions* adopted at the formation of the SOCIETY will better explain the nature and objects of this '*Association*':—

1. 'THAT it is highly desirable to give the fullest effect to the *Parochial System*, and to supply to the people those private

ministrations which, in populous parishes, the Clergy of themselves are unable adequately to afford.'

2. 'That, in order to advance this great object, an ASSOCIATION be formed for the purpose of providing for the *Metropolitan Parishes*, in the Dioceses of London and Winchester, LAY SCRIPTURE READERS, whose duty it shall be to read the *Scriptures* from house to house.'

3. 'That such LAY SCRIPTURE READERS shall be *communicants* in the Church of England—that they shall be selected by the Clergy of the respective districts, or by the Committee—that their *Appointment* shall be solely vested in the Committee, but that they shall be under the control of the Clergy, who may suspend them from performing their functions, on giving notice to the Committee—that in no case shall any READER be continued in any Parish or District *against the will* of its *Incumbent* or Officiating Minister—and that the *sanction of the Bishop* shall be required to each Appointment.'

4. 'That the SCRIPTURE READERS assigned by the Committee shall, previous to their appointment, undergo such *Examinations* as the Committee may direct—that their time be either wholly or partially engaged in the work of *Scripture reading*, according to circumstances—that the Committee shall make their *Payments* through the Clergy of the several Parishes or Districts to which the READERS may be assigned (the *Clergy* being responsible for the due performance of the Reader's duties), and that the engagements of such Readers shall be *terminable* by the Committee at the *expiration of three months*.'

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## Lecturers.

It is possible that in the course of your Ministry, before you are presented with a Benefice, a vacant *Lectureship* may offer itself for your consideration: it would be well, therefore, to have some previous acquaintance with the duties of that office, in order that you may be guided in the inquiries which will determine your opinion of its desirability. And as Lectureships are open to the candidacy of a spiritual Clerk, whether he be in Deacon's or Priest's Orders, it will not be out of place to introduce the subject here.

It must be understood first, that the Ministers of the Church of England known usually under the designation of LECTURERS are those whose office was, and in some instances even now is, that of *Preaching only*, without having any Ecclesiastical district, or 'Cure of Souls' connected with their Clerical function. There are some, moreover, whose continuance in this position is but temporary, and their remuneration uncertain; while others occupy a more fixed appointment with an income definitive, and permanent.

I. The condition of the *temporary* LECTURER is where the inhabitants of a Parish, or the congregation of a particular Church or Chapel, being desirous of a *third service* voluntarily subscribe year by year for its provision, which, consequently, will often fluctuate in its amount, and may terminate at their discretion. When the Subscriptions prove insufficient for the maintenance of a distinct additional *Curate*, the Incumbent, in order to meet the wishes of his people, will sometimes with the Bishop's sanction procure

the assistance of a neighbouring Curate or Incumbent to perform such extra Service, who will have the Bishop's Licence for this additional duty; and while he is styled a *Lecturer*, yet he will merely be an assistant to the Incumbent, and in so far as relates to his particular function be subject to the same regulations as a Stipendiary Curate. Where, however, the appointment of a LECTURER to be supported by *voluntary contributions* rests upon ancient custom, and not upon Episcopal sanction as to the necessity of such an appointment, the Bishop's interference has relation only to the qualification and fitness of the person applying for a Licence. (*Rex v. Field*. 4 T. R. 125; *Rex v. London* (bp.). 1 Wils. 11.).

In certain *unendowed* LECTURESHIPS, which have been established by immemorial custom, or by local Acts of Parliament, the Bishop is empowered by 7 & 8 *Vict.* c. 59., to require the *Lecturer* to act as *Curate* in the Parish in which he is appointed Lecturer; consequently the appointment is vested in the Incumbent. The Parish elects, if it has been the custom, but the Incumbent appoints; and should he reject the nominee of the Parishioners, the Vestry must proceed to elect another, and perhaps a third, until the Incumbent and the electors are unanimous. The Incumbent then issues his *nomination* to the Bishop, and the Candidate, after the usual preliminaries, becomes the LECTURER, and conjointly *assistant Curate* by virtue of the Episcopal Licence.

II. A LECTURER of the second kind enjoys that permanent and independent position, which is founded in immemorial custom, or upon legal authority, and derives its maintenance from some fixed endowment, or from the application of certain Parish funds. These are the cases indeed to which the term *Lectureship* peculiarly applies. The object of their foundation, which appears with respect to the greater number to have been about the time of the Reformation, was either to supply the *pulpit deficiencies* of the *Non-preaching Ministers* of that day, or to relieve an

Incumbent, and insure the performance of Divine Service with a Lecture at another time than when performed by him or his Curate. The specific hour in some cases may even now be appointed by the Trustees, and changed at their discretion, provided their selection falls upon a convenient time when the Church or Chapel is not already engaged with Divine Service, and so that the '*Common Prayers*' can be first read as required by the Act of Uniformity.'

A *Lectureship* of this kind cannot be imposed or engrafted by compulsion on a Church or Chapel in any Parish at the will of an individual, or a number of individuals, who may choose to make an endowment for such an object, without the joint consent of the Incumbent, the Patron, and the Ordinary (*Rex v. Exeter* (bp) 2 East. 462.) ; otherwise it may be done for the most capricious purposes: but it may be effected by an express Act of Parliament, as is the case in many of the London parishes, where LECTURERS are usually the *Afternoon Preachers*. In some instances, as the '*Golden Lecture*,' a specific Service is required on a week-day morning, or evening. Prior to the passing of the enactment 7 & 8 *Vict. c. 59*. (July 29, 1844) the office of *Lecturers* was of a most anomalous character; for while deriving their income from endowment, and performing their functions in the Church or Chapel to which they were appointed independently of the Minister of the Parish, and by virtue of a Bishop's, or an Archbishop's Licence, yet they enjoyed neither the rights nor privileges of an Incumbent, nor held the subordinate status of a Curate. This new enactment, however, has materially affected the independence of the office, and interfered in no small degree with its desirability, as will be presently seen.

In *endowed LECTURESHIPS*, the election, if not devolving on the Incumbent of the Parish, is usually lodged in the *Vestry*, or perhaps in the *Parishioners at large*: sometimes it is vested in a *Corporation*, or in

*Trustees.* The right of *Voting* wherever it occurs depends upon the Deed of Trust, or ancient usage. (*Attor. Gen. v. Parker.* 1 Ves. Sen. 43.). If, therefore, it is your intention to become a Candidate for a Lectureship of this kind, I cannot but recommend you to ascertain beforehand its precise duties and emoluments, as well as what Curate's functions are entailed upon it, and the additional remuneration on that account derived. This latter circumstance may be important, for there are many LECTURESHIPS so poorly endowed, with perhaps but £12, or £15. *per annum*, as to be perfectly incapable by themselves of affording a maintenance, and, therefore, if destitute of private resources, you will be compelled either to make an occasional appeal to your Congregation, or to seek some additional occupation for actual subsistence.

It would be well also to know the peculiar doctrinal views of the Incumbent of the Church to which the *Lectureship* is annexed, for if they are not in accordance with your own, the performance of your functions will probably engender Parochial squabbles and divisions; and your Congregation become so perfectly distinct as to place you in a most unsatisfactory and by no means pleasant position. If resolved 'to stand for the Office,' you will find that to secure success in your Candidacy, not only will great interest in some cases be required, but likewise an active and extensive personal canvass be imperatively necessary. Should the right of election rest in the *Incumbent* he is most likely to prefer his own *Curate*, since there is a greater probability of their views harmonizing together; and it presents the opportunity also of improving the Curate's income and position. After election the *Documents* which follow must be procured in order that the appointment may be perfected, since no LECTURER can enter upon the discharge of his duties without having first the *consent* of the Incumbent, and the *Licence* of the Bishop.

## NECESSARY PAPERS FOR A LECTURESHIP.

Before a *Licence* can be obtained to any Lectureship, the following Papers must be forwarded to the Bishop of the Diocese :—

1. A CERTIFICATE of having been duly *elected*.
2. A CERTIFICATE of the *Incumbent's* consent to the Appointment.
3. LETTERS OF ORDERS, *Deacon's*, and *Priests*.
4. LETTERS TESTIMONIAL from *three Beneficed Clergymen*.

I. The CERTIFICATE of having been duly *elected* to the Lectureship, attested under hand and seal by those having the authority to elect, must also specify the *cause* of the vacancy, and *by whom* vacated. It may assume the following form :—

*Form of Election or Appointment to a Lectureship.*

'To the Right Reverend A \* \* \*, Lord Bishop of—'

'Whereas the Lectureship in the *Parish Church* (or *Chapel*) of —, in the County of —, and Diocese of —, is now void by the *death* (*resignation* or *removal*) of B \* \* \* C \* \* \*, *M. A.* (or *other degree*) last Lecturer there, and the right of Election to the said Lectureship doth by immemorial custom (or *as the case may be*) belong to the *Inhabitants of the Parish* of — aforesaid in *Vestry assembled* (if otherwise, *state it*). These are humbly to certify your Lordship that at a *Vestry Meeting* of the *Inhabitants of the said Parish* duly held this — day of — in the *Parish Church* of — aforesaid (if by other process *state it*) for the purpose of Nominating and Electing a fit and proper person to fill the said Lectureship, C \* \* \* D \* \* \*, *B. A.* (or *other degree*), Clerk, was then and there nominated and elected to the Lectureship aforesaid; and to request your Lordship to grant him your *Licence* for serving the said Lectureship.'

'In witness whereof We, in this present *Vestry assembled* (or *as the case may be*), have hereunto set our hands and seals, this — day of —, in the year of our Lord 18 —.'

(Seals and Signatures.)	(T. S.)	'E * * * F * * *	<i>Chairman.'</i>
	(T. S.)	'G * * * H * * *	<i>Churchwardens.'</i>
	(T. S.)	'I * * * J * * *	
	(T. S.)	'K * * * L * * *	<i>Parishioners'</i>
	(T. S.)	'M * * * N * * *	
&c. &c.			

If the *mode of Election* and the privilege of *Voting* depend on custom, the custom must be immemorial or it is a usurpation, and not 'good in law. (*Arnold v. Bath and Wells* (bp). 5 Bing. 316: *Gape v. Handley* 3 T. R. 291. n.). If directed in the *Deed of Trust*, or by the *Will* of the Founder, general usage will determine the interpretation of the words in which the method of Election is therein prescribed. (*St Bartholomew's* (Chws. of) 3 Salk. 87: 13 East 419; *Burn's Ecol. Law, Phil.* ii. p. 398.).

II. The CERTIFICATE in proof of the *Incumbent's consent* to the election and appointment must be attested with his signature, and may run in these words :—

'To the Right Reverend A \* \* \*, Lord Bishop of —.'

'These are to certify your Lordship that I, B \* \* \* C \* \* \*,  
'Rector (Vicar, or Perpetual Curate) of —, in the County  
'of —, and your Lordship's Diocese of —, do hereby  
'consent to the election and appointment of C \* \* \* D \* \* \*, M. A.  
'(or other degree) Clerk, to the Lectureship of — (here describe  
'it) annexed to my Church (or Chapel) aforesaid.'

'Witness my hand this — day of —, in the year of our  
'Lord 18 —.'

(Signature, and Address.)

'B \* \* \* C \* \* \*, Rector of —.'

'—shire.'

*Without the consent* of the Incumbent no person can officiate as a Lecturer whether endowed or unendowed, unless there is an immemorial custom superseding this consent, which presumes a compensation to the Incumbent for himself and his successors; or an Act of Parliament. To grant or withhold the use of his *Church* or *pulpit* is an undoubted right vested in every Incumbent\*: but he must have some good and reasonable grounds for refusing his consent: and throughout his whole Parish, he is entitled to perform the Divine Services in every consecrated building that may be in it, unless any legalized exception exists. (2 Hagg. R. 46.) If he should in any way object to the preaching of the LECTURER after he is licensed,

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\* *Clinton v. Howard Hatchard*. 1 Add. 103; *Farnworth v. Chester* (bp). 4 Barn. & Cres. 555, 570; *Rex v. Exeter* (bp). 2 East. 462; *Rex v. Field*, 4 T. R. 125; *Rex v. London* (bp). 1 T. R. 331. 1 Wells. 11; *Rex v. Oxford* (bp). 7 East. 345.; *St Anne's Westminster* (case of) 2 Str. 1192.

his only remedy is to occupy the *Pulpit* himself, which he is empowered to do whenever he may think fit. As the '*Cure of Souls*' vested in the Incumbent extends over his entire Parish (Rex v. Abp. Canterbury 15. East. 142) it is natural that he should possess some means by which he may prevent the propagation of opinions amongst his people that might be at variance with his own teaching: and this proceeding, although it may make the *LECTURESHIP* a sinecure, is the only summary remedy he possesses. Should a change in the Incumbency take place, the consent of the *new Incumbent* is essential to allow a *LECTURER* to continue his duties.

III. *LETTERS of ORDERS.* These are the parchment documents given at the time of your admission into the Holy Offices of *Deacon*, and *Priest* (see *Index*); and bearing evidence of your legal *Ordination* according to the rites and ceremonies of the Established Church. If you are not yet in Priest's Orders, of course your Letters of Deacon's Orders only will be required.

IV. *LETTERS TESTIMONIAL* declaratory of your 'good life and conversation,' attested by *three Beneficed Clergymen*, who have known you for *three years* last past, or since your Ordination, must likewise be forwarded to the Bishop. It is similar to the Testimonial required in the case of the *Stipendiary Curate* (see *Index*), and is in the Following Form:—

*Form of Letters Testimonial of three Beneficed Clergymen.*

'To the Right Reverend A \* \* \*, Lord Bishop of —.'

'We, whose names are here under-written, testify and make known that C \* \* \* D \* \* \*, M.A. (or *other degree*) Clerk, appointed to the *Lectureship* of —, in the Parish Church (or *Chapel*) of —, in the County of —, hath been personally known to us for the space of *three years* last past (or *since his Ordination*); that we have had opportunities of observing his conduct; that during the whole of that time we verily believe that he lived piously, soberly, and honestly, nor have we

'at any time heard anything to the contrary thereof; nor hath he at any time, as far as we know or believe, held, written, or taught, anything contrary to the Doctrine or Discipline of the United Church of England and Ireland; and moreover we believe him in our consciences to be, as to his moral conduct, a person worthy to be Licensed to the said Lectureship'

'In witness whereof we have hereunto set our names this — day of —, in the year of our Lord, one thousand, eight hundred, and *fifty*—.'

(Signatures, and Address,) 'A \* \* \* B \* \* \*, Rector of—.'  
'C \* \* \* D \* \* \*, Vicar of—.'  
'E \* \* \* F \* \* \*, Vicar of—'.

\*.\* Should any of these Clergymen be beneficed in *another* Diocese than that in which the Lectureship is situated, their signatures must be *countersigned* by their respective Bishops.

### *Subscription, Declaration, and Oaths.*

The NECESSARY PAPERS above mentioned having been duly forwarded to the Bishop, and found satisfactory, as *Lecturer-elect* you will be required either to attend upon his Lordship in person to go through certain preliminaries before being *licensed*; or a '*Commission*' will be issued to some neighbouring Incumbent to act in this matter in the Bishop's stead. At the interview with the Bishop, or the Commissary, as the case may be, you will have to—

1. Read and *Subscribe* the XXXIX ARTICLES, and the III ARTICLES in Canon 36.
2. Make a Declaration of CONFORMITY TO THE LITURGY.
3. Take the Oaths
  - (a.) Of Allegiance.
  - (b.) Of Supremacy.
  - (c.) Of Canonical Obedience.

### 1 *Subscription to the ARTICLES required of Lecturers.*

By CANON 36. — 'No person shall hereafter be received into the Ministry, nor either by institution or collation admitted to any Ecclesiastical Living, nor suffered to preach, to catechize, or to be a Lecturer, or Reader of Divinity, in either University, or in any Cathedral or Collegiate Church, City, or Market-town, Parish Church, Chapel, or in any other place within this realm, except he be *licensed* either by the Archbishop, or by the Bishop of the Diocese where he is to be placed, under their hands and seals, or by one of the two Universities under their seal



'likewise; and except he shall first *subscribe* to these THREE ARTICLES following, in such manner and sort as we have here appointed.

'I. That the *Queen's Majesty*, under God, is the only Supreme Governor of this realm, and of all other her Highness's Dominions and Countries, as well in all Spiritual or Ecclesiastical things or causes, as Temporal: and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, Ecclesiastical, or Spiritual, within her Majesty's said Realms, Dominions, and Countries.

'II. That the *Book of Common Prayer*, and of Ordering of Bishops, Priests, and Deacons, containeth in it nothing contrary to the Word of God, and that it may lawfully so be used; and that he himself will use the form in the said Book prescribed in Public Prayer, and Administration of the Sacraments, and none other.

'III. That he alloweth the *Book of Articles of Religion* agreed upon by the Archbishops and Bishops of both provinces, and the whole Clergy in the Convocation holden at London in the year of our Lord God, 1562; and that he acknowledgeth all and every the Articles therein contained, being in number IX and XXX, besides the Ratification, to be agreeable to the Word of God.'

### (Form of Subscription.)

'I, C \* \* \* D \* \* \*, do willingly and from my heart (ex animo), subscribe to the XXXIX ARTICLES of Religion of the United Church of England and Ireland, and to the THREE ARTICLES in the thirty-sixth Canon; and to all things therein contained.'

(Signature)

'C \* \* \* D \* \* \*'

'And if any Bishop shall ordain, admit, or license any, as is aforesaid, except he *first have subscribed* in manner and form as here we have appointed, he shall be suspended from giving of Orders and Licenses to preach for the space of twelve months.'

By CANON 87.—'None licensed, as is aforesaid, to Preach, Read, Lecture, or Catechize, coming to reside in any Diocese, shall be permitted there to Preach, Read, Lecture, Catechize, or minister the Sacraments, or to execute any other Ecclesiastical function, by what authority soever he be thereunto admitted, unless he first consent and subscribe to the THREE ARTICLES before mentioned, in the presence of the Bishop of the Diocese wherein he is to Preach, Read, Lecture, Catechize, or administer the Sacraments, as aforesaid.'

With respect to the XXXIX ARTICLES as affected by the *Statute Law* :—

'None shall be made Minister or admitted to Preach, or administer the Sacraments ..... unless he first bring to the Bishop

'.... a testimonial ..... of his professing the doctrine expressed in the said *Articles* (XXXIX).....Nor shall he admitted to the Order of Deacon or *Ministry*, unless he shall first *subscribe to the said Articles*.'—13 *Eliz. c. 12. s. 5.*

'The XXXIX ARTICLES to be *Read*.—'No person shall be, or be received as, a *Lecturer*, or permitted, suffered, or allowed to preach as a *Lecturer*, or to preach or read any Sermon or *Lecture* in any Church, Chapel, or other place of Public Worship within this realm of England, or dominion of Wales, or town of Berwick-upon-Tweed, unless he ..... shall in the presence of the same Archbishop, or Bishop.....read the *Nine and Thirty Articles* of Religion mentioned in 13 *Eliz. c. 12.* with declaration of his unfeigned assent to the same.'—13 & 14 *Car. II. c. 4. s. 19.*

## 2. *The Declaration of Conformity.*

*Conformity to the Liturgy* is enjoined in the 36th Canon as above stated: and by the 'Act of Uniformity' (13 & 14 *Car. II. c. 4.*) this *Declaration of Conformity* is to be subscribed before the Archbishop or Bishop of the Diocese, as is briefly expressed in the preamble of the explanatory Act, 23 *Geo. II.* in these words:—

'Every Parson, Vicar, Curate, *Lecturer*, and every other person in Holy Orders, should before his or their respective admission to be Incumbent, or have possession of any Parsonage, Vicarage, or any Curate's place, or *Lecture*, *subscribe the Declaration* or acknowledgement therein directed (see *below*) before the respective Archbishop, Bishop, or Ordinary of the Diocese, upon pain that all and every of the persons aforementioned, *failing in such subscription* should lose and forfeit such respective Parsonage, Vicarage, Curate's place, or *Lecture*, and should be utterly disabled and *ipso facto* deprived of the same; and that every such respective Parsonage, &c., should be *void*, as if such person so failing were naturally *dead*. And that after such *Subscription* made, every Parson, Vicar, Curate, or *Lecturer*, should procure a 'CERTIFICATE' under the hand and seal of the respective Archbishop, Bishop, &c. (who are thereby enjoined and required upon demand, to make and deliver the same), and should *publicly and openly read* the same, together with the '*Declaration*' or acknowledgement therein mentioned upon some Lord's Day within *three months* next following in his Parish Church, where he was to officiate, in the *presence of the Congregation* there assembled in the time of Divine Service; upon pain, that every person failing therein should lose such Parsonage, &c.'—23 *Geo. II. c. 28. s. 1.*

The *Form of Words* prescribed by 13 & 14 *Car. II. c. 4.* in which this DECLARATION is to be made is as follows:—

'I, A \* \* \* B \* \* \*, do hereby declare my unfeigned assent, and consent, to all and everything contained and prescribed in and by the Book intituled *The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of England*; together with the *Psalter or Psalms of David, printed as they are to be sung or said in Churches*; and the *Form or Manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons*.'—(Sect. 4.).

### *The Form of Declaration.*

(Made before the Bishop, or his Commissary, is generally)

'I, C \* \* \* D \* \* \*, B. A., Clerk, do declare that I will conform to the *Liturgy of the United Church of England and Ireland*, as it is now by Law established.'

(Signature)

'C \* \* \* D \* \* \*'

The *Certificate* of having made this Declaration is—  
(a.) If before the BISHOP

'This Declaration was made, and subscribed, before Us, A \* \* \* by Divine Permission Bishop of ——— by the said C \* \* \* D \* \* \* previous to his being licensed to the *Lectureship* of ——— (here to be described) in the County of ——— within our Diocese and Jurisdiction, this ——— day of ——— in the year of Our Lord one thousand, eight hundred, and ———, and of our Consecration the ———.'

(b.) If before the COMMISSARY

'To all Christian People to whom these presents shall come, The Reverend A \* \* \* B \* \* \* Rector of ———, greeting.'

'Know ye that the above said C \* \* \* D \* \* \*, previous to his being licensed to the *Lectureship* of ———, (here to be described) in the County of ———, and Diocese of ———, did, on the Day of the Date hereof, personally appear before me (Commissary for this purpose specially appointed by the Right Reverend Father in God A \* \* \*, by Divine permission, Lord Bishop of ———), and before he was licensed thereto, did make and subscribe the Declaration above written.

'In Testimony whereof, the Seal of the said Lord Bishop is hereunto affixed, and I have subscribed the same this ——— day of ———, in the year of our Lord, one thousand, eight hundred, and fifty——.'

(Episcopal Seal.)

A \* \* \*, B \* \* \*'

(Commissary).

The above *Declaration* of Conformity to the Liturgy, as well as the *Certificate* of having made and subscribed the same in the presence of the Bishop (a), or of his Commissary (b), are to be read publicly

before the Congregation during Divine Service in the Church to which you are appointed Lecturer, as directed by 13 & 14, *Car. II. c. 4. s. 19*; and 23 *Geo. II. c. 28. s. 1.* (See *supra*). It is usually done from the Desk immediately after 'Morning Prayer,' and before proceeding with the 'Communion Service.' With respect to reading the 'COMMON PRAYER' or Service, see *postea*.

### 3. *The Oaths to be Taken.*

#### OF ALLEGIANCE, and SUPREMACY.

By 1 *Eliz. c. 1. s. 19*—It is enacted 'that all and every Arch-bishop, Bishop, and all and every other *Ecclesiastical person*, and other *Ecclesiastical Officer* and *Minister*, of what estate, dignity, pre-eminence, or degree soever, he or they be, or shall be, . . . shall make, take, and receive a corporal *Oath* upon the Evangelist, before such person or persons as shall please your Highness, your heirs or successors, &c.'

The *Forms of the Oaths* prescribed in the remainder of this Section of 1 *Eliz. c. 1.* are altered by 1 *Will. & Mary, c. 8. s. 12.* which directs that they shall be in the words following:—

##### (a.) OATH OF ALLEGIANCE.

'I, C \* \* \* D \* \* \*, do sincerely promise and swear, that I will be faithful and bear true allegiance to her Majesty, Queen Victoria. So help me God. (Kiss the Book).'

##### (b.) OATH OF ABJURATION, OR SUPREMACY.

'I, C \* \* \* D \* \* \*, do swear, that I do from my heart abhor, detest and abjure as impious and heretical, that damnable doctrine and position, that Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign Prince, Person, Prelate, State or Potentate, hath or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, Ecclesiastical or Spiritual, within this Realm. So help me God.—(Kiss the Book).'

##### (c.) OATH OF CANONICAL OBEDIENCE.

An *Oath of Canonical obedience* to his Ecclesiastical Superior, which is but a renewal of his Ordination vows, is also required to be taken by the LECTURER in these words:—

'I, C \* \* \* D \* \* \* do swear that I will pay true and Canonical obedience to the Lord Bishop of ———, in all things lawful, and honest. So help me God.—(Kiss the Book).'

## THE LICENCE.

The Bishop after this will instruct his Secretary to forward the necessary *Licence*, on the receipt of which the Churchwardens are bound to open the Church for the discharge of your spiritual office, and you may proceed to perform the functions of your Lectureship. A *Licence* from the Bishop is required both by the *Canon*, and *Statute Law*. (See *Canons supra*.) The Statute Law follows:—

By 13 & 14 *Car. II. c. 4.* it is enacted 'that no person shall be, or be received as, a *Lecturer*, or to preach or read any Sermon or *Lecture* in any Church, Chapel, or other Place of Public Worship... unless he be first *approved*, and thereunto *licensed* by the Archbishop of the Province or Bishop of the Diocese or (in case the *See be void*) by the Guardian of the *Spiritualities*, under his seal.'—*Sect. 19.*

The Bishop, whose interference has relation only to *qualification* and *fitness*, and not to the *rights* of the Lectureship, is empowered by this enactment to *refuse a Licence* if he thinks the Candidate not properly qualified, and a Court of Law cannot set aside his determination. It may compel the Bishop *to inquire*, but it cannot compel him *to approve*, nor give the reason of his opinion as to the unfitness upon which he grounds his refusal. Application however may then be made to the *Archbishop* for a *Licence*, who has similar authority in this respect: but whether an *Appeal* lies to the Archbishop as Provincial and Metropolitan against the refusal of the Bishop is not determined by the Statute (*Rex v. Canterbury* (Archbp.), and *London* (bp.) 13 East. 419; 15 East. 117).

If the LECTURER has not the *consent of the Incumbent* of the Church, this also would be a ground for the refusal of the Licence (*Rex v. Exeter* (bp), 2 Earl. 462. *Rex v. London* 3 Salk 87.): but how far an Incumbent may arbitrarily refuse, and whether a *Mandamus* of the Court of Queen's Bench can set aside his refusal, have not yet been decided. (*Cripp's L. of the Ch. and the Cl. p. 156.*)

## THE 'COMMON PRAYERS' MUST FIRST BE READ.

THE regulations with regard to reading the *Morning* or *Evening Service* previous to delivering a Lecture, and making the Declaration of *assent* to the 'Book of Common Prayer,' are important, and require attention. They are annexed:—

On the *First Day* by the *Lecturer himself*. —  
'Every person and persons who now is or hereafter shall be licensed, assigned, and appointed, or received as a *Lecturer*, to preach upon any day of the week in any Church, Chapel, or Place of Public Worship within this realm of England, or places aforesaid (Wales, and Berwick-upon-Tweed) the *first time* he preacheth (before his Sermon) shall openly, publicly, and solemnly, *read the Common Prayers and Service* in and by the said Book (the Liturgy) appointed to be read for that time of the day, and then and there publicly and openly *declare his assent* unto, and approbation of, the said Book, and to the use of all the Prayers, Rites, and Ceremonies, Forms, and Orders, therein contained and prescribed, according to the *form* before appointed in this Act.' — 13 & 14 Car. II. c. 4. s. 19.

Also once *Every month* by the *Lecturer himself*:—  
'And also shall upon the *first Lecture-day* of every Month afterwards, so long as he continues *Lecturer* or Preacher there, at the place appointed for his said *Lecture* or Sermon, before his said *Lecture* or Sermon, openly, publicly, and solemnly *read the Common Prayers and Service* in and by the said Book appointed to be read for that time of the day at which the said *Lecture* or Sermon is to be preached, and after such reading thereof shall openly and publicly, before the Congregation there assembled, *declare his unfeigned assent* and consent unto and approbation of, the said Book, &c.....according to the *form* aforesaid.'—*ib.*

*Penalty for Refusing*:— 'All and every such person or persons who shall neglect or refuse to do the same, shall from thenceforth be *disabled* to preach the said or any other *Lecture* or Sermon in the said or any other Church, Chapel, or Place of Public Worship, until such time as he and they shall openly, publicly, and solemnly *read the Common Prayers and Service* appointed by the said Book, and *conform* in all points to the things therein appointed and prescribed, according to the purport, true intent, and meaning of this Act.'—*ib.*

*Punishment for Contempt*:— 'And be it further enacted.....that if any person who is by this Act *disabled* (*prohibited*) to preach any *Lecture* or Sermon, shall, during the time that he shall continue and remain so disabled, (*prohibited*), preach any Sermon or *Lecture*; that then for every such offence, the

'person and persons so offending shall suffer *three months' imprisonment* in the common gaol without bail or mainprize; and that any 'two Justices of the Peace of any County of this Kingdom and 'place aforesaid, and the Mayor or other chief Magistrate of any 'City or Town corporate within the same, upon *certificate from 'the Ordinary* of the place made to him or them of the offence 'committed, shall and are hereby required to commit the person or 'persons so offending, to the gaol of the same county, city, or town 'corporate accordingly.'—ib.

Sect. 21. The word '*disabled*' in this Act is explained by 15 Car. II. c. 6. s. 7. ("An Act for Relief of such Persons as by *Sickness* or other *Impediment* were disabled from Subscribing the Declaration in the Act of Uniformity, and Explanation of part of the said Act") to mean '*prohibited*.'

At all other times by some Priest or Deacon in the presence of the Lecturer:—'At all and every time and times when 'any Sermon or Lecture is to be preached, the *Common Prayers* 'and Service in and by the said Book appointed to be read for that 'time of the day, shall be openly, publicly, and solemnly read 'by some Priest or Deacon, in the Church, Chapel, or Place of 'Public Worship, where the said Sermon or Lecture is to be preached, 'before such Sermon or Lecture be preached, and that the Lecturer 'then to preach shall be present at the reading thereof.'—13 & 14 Car. II. c. 4. s. 22.

### *In Cathedrals, Collegiate Churches, & Universities.*

In our CATHEDRALS, and UNIVERSITIES, there are generally one or more Lecturers; and many have been founded by private bounty, as Lady Moyer's at St Paul's, now in abeyance from a deficiency of funds; the Bampton (by the Rev. John Bampton) at Oxford; the Hulsean by the Rev. John Hulse) at Cambridge; and others.

In Cathedral, and Collegiate Churches, the Declaration of Conformity to the Liturgy is to be publicly made before the *first* Lecture:—'If the said Sermon 'or Lecture be to be preached or read in any Cathedral or Collegiate 'Church or Chapel, it shall be sufficient for the said Lecturer, 'openly at the time aforesaid (the *first day*, and *monthly*—Sect. 19. 'above) to declare his assent and consent to all things contained in 'the said Book, according to the *form* aforesaid.' (given in page 206.) —13 & 14 Car. II. c. 4. s. 20.

University Churches are partly exempt from 13 & 14 Car. II. c. 4.—'This Act shall not extend to the *University* 'Churches in the *Universities* of this Realm, or either of them, when 'or at such times as any Sermon or Lecture is preached or read in

'the said Churches, or any of them, for or as the public University Sermon or Lecture; but that the same Sermons and Lectures may be preached or read in such sort and manner as the same have been heretofore preached or read; this Act or any thing herein contained to the contrary thereof in any wise notwithstanding.'—*ib. Sect. 23.*

#### LECTURERS NOW ASSISTANT CURATES.

LECTURERS by a late enactment (7 & 8 Vict. c. 59), have been divested of their independence of the Incumbent of the Church or Chapel to which they are appointed, and are now required to perform other Clerical and Ministerial Duties, and to hold the position of an *Assistant Curate*.

All *Lecturers* appointed subsequently to July 29, 1844, and those previously appointed, if consenting parties, may be required by the Bishop with the approval of the Incumbent to act as *Assistant Curate*. By 7 & 8 Vict. c. 59. 'For the regulation of *Lecturers*, and *Parish Clerks*,' it is enacted — 'Whereas in divers Districts, Parishes, and Places, there now are or hereafter may be certain *Lecturers* or *Preachers* in the Holy Orders of Deacon or Priest of the United Church of England and Ireland, elected or otherwise appointed to deliver or preach *Lectures* or *Sermons only*, without the obligation of performing other Clerical or Ministerial duties; And whereas it is expedient in many cases that such *Lecturers* or *Preachers* should be authorized and required to perform other Clerical and Ministerial duties, and to act, if necessary, as *Assistant Curates*, in such Districts, Parishes, or Places: be it therefore enacted.....that from and after the passing of this Act (July 29, 1844), it shall be lawful for the Bishop of the Diocese wherein any such *Lecturers* or *Preachers* shall be so elected, or appointed as aforesaid, if he shall think fit, with the assent of the Incumbent of every such District, Parish, or Place, to require, by writing under his hand and seal, any such *Lecturer* or *Preacher* to undertake and perform such other Clerical and Ministerial duties, as Assistant Curate or otherwise, within such District, Parish, or Place, as the said Bishop, with the assent of such Incumbent as aforesaid, shall think proper, and also to vary from time to time, if necessary, and with the like assent, the particular duties so required to be performed as aforesaid.'—*Sect. 1.*

*Penalty for refusing is Suspension, or Removal.*— 'In case such *Lecturer* or *Preacher* shall at any time refuse or neglect duly and faithfully to perform such additional duties, and to act in the manner required by the said Bishop as aforesaid, it shall be lawful for the said Bishop to summon the said *Lecturer* or *Preacher* to appear before him, and thereupon the said Bishop, with the assistance of one at least of the Archdeacons and also



‘of the Chancellor of such Diocese, shall proceed summarily to inquire into the facts of the case, and to adjudicate thereon, and, if necessary, to suspend or remove the said Lecturer or Preacher from his said office, and to declare the same vacant.’  
—*ib.*

An Appeal lies to the Archbishop. — ‘Such Lecturer, or Preacher may, within 14 days next after the passing or making of any such Sentence or Declaration, appeal therefrom to the Archbishop of the Province, who shall thereupon forthwith summarily hear and determine the same: and if no such appeal be made within the time aforesaid, or if the said Sentence or Declaration shall upon such appeal be affirmed by the said Archbishop, the said Bishop shall then cause the same to be forthwith duly published in the Church or Chapel wherein the said Lecturer or Preacher hath been used to deliver or preach his said Lectures or Sermons by virtue of his said office, and thereupon the said office shall be, and be deemed to be vacant, and the Parties entitled to elect or appoint a person to the same shall be entitled and required to elect or appoint a Successor thereto, in the same manner as if the said Lecturer or Preacher were dead, and the right and interest of such Lecturer or Preacher to and in the said office, and to and in all the emoluments and advantages thereof, shall wholly cease and determine.’—*ib.*

Not to extend to Lecturers appointed before the passing of this Act (July 29, 1844), without their consent. — ‘Nothing herein contained shall affect or be deemed applicable to any Lecturer or Preacher who shall have been elected or appointed to his said office before the passing of this Act, unless such Lecturer or Preacher shall consent to be bound thereby.’  
—*ib.*

The assistance of the Lecturer, however, does not absolve the Incumbent from providing the usual Curate: the Lecturer is merely an Assistant, and cannot be compelled to perform the entire duties of the regular Curate.—

‘Be it enacted, that no Rector or other Incumbent of any District, Parish, or Place... wherein any Lecturer or Preacher shall have been required to undertake and perform other Clerical and Ministerial Duties in the manner herein before provided..... shall by reason of any such provisions be exempt from any duty or obligation of employing within the same District, Parish, or Place, any Curate or other Assistant to which by any Law, Statute, Canon, or Usage he is or may be already liable: but it shall be lawful for the Bishop of the Diocese from time to time to require every such Rector or other Incumbent to provide, or for the said Bishop to nominate and license, such other Curates and Assistants to officiate within every such District, Parish, or Place, in addition, either to the person or persons so intended to be employed as aforesaid, or to such Lecturer or Preacher..... and to make regulations for the payment of the Stipends of such

' other Curates and Assistants, as fully, and in the same manner, and  
 ' subject to the same restrictions, as he might have done by Law if  
 ' this Act had not been passed.—ib. *Sect.* 4.

#### RESTRAINTS.

A LECTURESHIP is not a *Benefice*, so that it may be held conjointly with other preferment if it can be done without detriment to either position; yet LECTURERS being Spiritual Clerks, and coming under the denomination of '*Ministers*' of the Church of England (*Rex v. Liverpool (Mayor of)*, 8 A. & E. 176; and 5 & 6 Will. IV. c. 76. s. 68.) are under the same restrictions as the Clergy in general.

*Farming, and Trading.*—In the '*Pluralities Act*,' 1 & 2 Vict. c. 106. which bears particularly upon the Stipendiary Curate, *Lecturers* are also by name restrained from the pursuit of *Farming, and Trading*. The enactments by which these occupations are regulated will be found in the *Sections*, 28—31, of that Act: and the *Penalties* therein inflicted are for the first, and second offence Suspension, and for the *third*, Deprivation. (See *Index*.)

## Chaplains.

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|---|---|
| 1. <i>Army and Navy Chaplains.</i>        | 2. <i>British Chaplains abroad.</i>       |
| 3. <i>Gaol Chaplains.</i>                 | 4. <i>Hospital &amp; Infirmary ditto.</i> |
| 5. <i>Houses of Parliament Chaplains.</i> | 6. <i>Lunatic Asylum Chaplains.</i>       |
| 7. <i>Private Chaplains.</i>              | 8. <i>Union Workhouse Chaplains.</i>      |

Next to a LECTURESHIP we may consider the nature of a CHAPLAINCY, to which an unbeneficed, as well as a beneficed Clerk, is sometimes eligible; and which in a few instances may be held conjointly with a Curacy, or a Living. The Candidate in this, as in other cases when entering upon a new charge, must be possessed of the necessary qualifications, and be provided with the Papers usually required by the Bishop of the Diocese: *viz.*—

1. A CERTIFICATE of the *Appointment.*
2. (If a Curate), The CONSENT of the Incumbent.

If in another Diocese, also

3. LETTERS OF ORDERS, *Deacon's* and *Priest's.*
4. LETTERS TESTIMONIAL from *three Beneficed Clergymen.*
5. LETTERS TESTIMONIAL from the *Bishop.*

When these *Papers* have been duly transmitted to the Bishop, and approved, and the ordinary preliminaries disposed of, a *Licence* will be granted to perform the required functions. The Licence may be '*absolute,*' or '*durante bene placito.*' When about to officiate in a *Foreign country* a *Licence* is desirable, although not indispensable, as will be presently seen. Should more detailed information be required with respect to the Forms just mentioned, the Reader is referred to the instructions furnished to Candidates

for a Curacy, or a Lectureship. We now proceed to speak in order of what especially appertains to the office of CHAPLAINS, beginning with

### 1. *Army and Navy Chaplains.*

These appointments, till within the last few years, have not been considered by the Clergy generally as sufficiently attractive to excite much competition, or inquiry. During the Crimean campaign, however, when the great increase of the Army and Navy, and the circumstances of war, called for additional Chaplains to meet the spiritual needs of the troops and sailors, the service was made more remunerative and desirable; and becoming, in consequence, better known, it is now looked upon as a more promising and favourable position. To satisfy our brother-Clergymen, who may wish to know more of these matters, we have endeavoured to obtain every authentic information; and we have been kindly supplied at the *War Office* with the following epitome of the functions, and status, of the

#### Army Chaplain.

It is premised, that all Candidates for this office are prepared with the usual '*Papers*' required on all occasions of preferment, such as

1. LETTERS OF ORDERS, *Deacon's* and *Priest's*.
2. LETTERS TESTIMONIAL from *three beneficed Clergymen*.
3. LETTERS TESTIMONIAL from the *Bishop*.
4. The BAPTISMAL CERTIFICATE, or A CERTIFICATE OF AGE.

We may state further, that all communications on the subject of Army Chaplains are to be addressed to the *Reverend the CHAPLAIN GENERAL TO THE FORCES, War Office, London*; and that every Candidate must be in *Priest's Orders* before he can be appointed to a *Chaplaincy*, or *Assistant Chaplaincy*, in the Army. His Testimonials must satisfy the *Chap-*

*lain-General*, who is not restricted in his judgment of sufficiency: and before a Candidate becomes a *Chaplain to the Forces* his name must be submitted to the Archbishops of Canterbury, and York, and to the Bishop of London, and the appointment be approved by them.

No Bishop has jurisdiction over Army Chaplains: to them the Chaplain-General is Ordinary. But wherever *Chaplains to the Forces* are located, whether at home, or in the Colonies, they are expected and required to comport themselves towards the Bishop of the Diocese as *their Bishop* in all points where military discipline does not intervene.

The '*Church Assembly*' of the Church of Scotland is looked to, as the proper channel of recommendation for *Presbyterian Chaplains*.

We will now quote the elucidation we have referred to.

*Army Chaplains* are of three orders, or degrees. The *Chaplain-General* — appointed by the Crown on the recommendation of the Secretary of State for War — exercises a general superintendence over the whole body, and recommends for promotion, or removal from the service, as the case may be. His military rank is equivalent to that of *Major General*: and he is by his letters of Appointment vested with the authority and precedence of *Archdeacon*. His pay is £950. *a year*, with travelling expences whenever he visits officially stations out of London.

Subordinate to him are twenty *Chaplains to the Forces*; whose military rank or precedence is that of Field Officers (see *Precedence* in Index); and who receive pay at the rate of 16*s. a day*, (i. e. £292 *per annum*), — with £81. a year in lieu of quarters — and forage for a horse. These gentlemen, when troops are collected into Camps, are put in charge of Divisions; or else they are stationed at the most important of our Garrisons at home and abroad. Their pay increases by length of service to £1. *a day*; and after *thirty years* they are permitted to retire on a pension of 16*s. a day*.

The class of *Assistant Chaplains to the Forces* comprehends at present *thirty-five* Clergymen, who are paid at rates varying from £300 to £200 a year each. They are, besides, allowed £52 a year, to provide dwellings for themselves. *Assistant Chaplains* to the Forces do duty in Camps to Brigades — one to each Brigade; or are placed in Garrisons, according to the exigencies of the service.

Besides these, there are *two* Chaplains to the Royal Regiment of Artillery — and three *Presbyterian Chaplains* in the *Castles of Edinburgh, Stirling, and Fort George*. The pay of the *Artillery Chaplains* is the same with that of the Chaplains to the Forces; and both do duty at Woolwich.

The pay of the *Chaplains* of the *Castles of Edinburgh, Stirling, and Fort George* is £150 a year, respectively; with apartments, fuel, and lights.

Over and above what may be called the active staff of the Chaplains' department, there are employed and paid by the Government, *Presbyterian Ministers*, and *Roman Catholic Priests*, who officiate, wherever troops are stationed, to the members of their respective persuasions. All these Clergymen send in *quarterly Reports* of their proceedings, and of the apparent results of their ministrations, to the Chaplain-General, who lays the same before the Secretary of State for War. The *Roman Catholic Priests* report directly to the Secretary of State.

Army Chaplains of all ranks are liable to be sent to every part of the world where the services of troops are required; and they exercise a powerful and very beneficial influence over both officers and men.

They are expected to keep up *Sunday-Schools* in Regiments, and to encourage, by the establishment of Bible Classes, the growth of earnest piety in the ranks. They visit the sick in hospital, prisoners under confinement, and the wives and families of their Brigades and Divisions, both at home and abroad.

The progress of Church and School-building in the Army has, within the last few years, been very striking. Few large Garrisons are now without their Chapels, and School-Houses; in which the Chaplains officiate with as much regularity as the Parochial Clergy officiate in their Parish Churches.

Where troops are stationed in small numbers, at places remote from head-quarters, the Parochial Clergy are requested to take charge of them; for which they receive a certain *capitation* payment, provided *more than twenty-five* members of the Church wait on their ministrations.

### Navy Chaplain.

With regard to the *Navy Chaplain*, the following particulars, which have been kindly revised by the *Lords Commissioners of the Admiralty*, will, we trust, be found as useful, as they are *authentic*.

A *Chaplain* is appointed to each of Her Majesty's ships when in active service; and he is required to undergo an *Examination* by some competent person selected by the Admiralty. He will also have to produce the following Papers,

1. LETTERS OF ORDERS, of *Deacon*, and *Priest*.
2. LETTERS TESTIMONIAL from *three beneficed* Clergymen.
3. LETTERS TESTIMONIAL from the Bishop.
4. The BAPTISMAL CERTIFICATE, or a CERTIFICATE OF AGE, which must not exceed 35 years.

The *Testimonials* are to be addressed to the "*The Lords Commissioners of the Admiralty*," to whom the above Papers have to be forwarded.

*Navy Chaplains* rank with *Captains* in the army; but after *Lieutenants* in the Navy. (See *Index*).

The *Pay* of a Navy CHAPLAIN is, from 8s. 10d. to 11s. a day; or £13. 13s. to £17. 1s. per month; for ships of all rates; and the *Half-pay* is from 5s. to

10s. *per day*, according to length of service; but no *Half-pay*, is allowed until the Chaplain has completed *eight or ten years' service*.

*Widows* of Chaplains are entitled to *Pensions*, varying from £40 to £60 *a year*, according to the circumstances of their Husband's death.

By 1 *Geo. IV. c. 106.* a *Navy Chaplain* may hold a Living with his *Half-pay*; thus—

'It shall and may be lawful to and for any *Chaplain in the Royal Navy*, who shall be presented to either of the Rectories of

'*Simonburn*, (£426).

*Thorneyburn*, (£200).

'*Wark*, (£240).

*Fallstone*, (£219).

'*Bellingham*, (£200).

*Greystead*, (£150). or

Chapelry of *Humshaugh*, (£127).

'in the County of Northumberland, to receive during the time he shall hold either of the said Rectories respectively, such *Half-pay*, or any other bounty or allowance payable by Government to *Chaplains in the Royal Navy*, to which he may be entitled by virtue of his services performed in Her Majesty's Navy.'—*Sect. 2.*

The observance of *Sunday*, and the regular performance of *Divine Service*, are strictly enjoined on all Commanders of vessels in the Royal Navy by Act of Parliament; thus—

'All Commanders, Captains, and Officers, in or belonging to any of His Majesty's Ships or Vessels of War, shall cause the *Public Worship* of Almighty God, according to the *Liturgy* of the Church of England established by Law, to be solemnly, orderly, and reverently, performed in their respective Ships; and shall take care that Prayers and Preaching by the Chaplains in Holy Orders of the respective Ships be performed diligently; and that the Lord's Day be observed according to Law.'—22 *Geo. II. c. 33. s. 2.*

In the same Statute we find the following regulation for the enforcement of moral discipline in the Royal Navy:—

"II. Art. 2. All flag officers, and all persons in or belonging to His Majesty's Ships or Vessels of War, being guilty of *profane oaths, cursings, execrations, drunkenness, uncleanness*, or other scandalous actions, in derogation of God's honour, and corruption of good manners, shall incur such punishment as a Court-Martial shall think fit to impose."

*Navy Chaplains* are permitted to hold also, with their *Chaplaincy*, appointments as *Naval Instructors* of



Her Majesty's Ships; and when serving in the combined capacities of *Chaplain* and *Instructor*, receive pay at the rate of from 5s. 3d. to 7s. 6d. a day in addition to their Chaplain's pay: besides a *Tuition allowance* of 13d. a day for each young gentleman instructed. And after *fifteen years'* service in these combined capacities, they receive *half* of the highest rate of Naval Instructor's *half-pay*, in addition to that of the Chaplain's half-pay.

## 2. *British Chaplains abroad.*

The CHAPLAINS in *India* appointed and paid by the East India Company, and the *Clergy* and *Missionaries* in the several Colonies of the British Empire do not fall under this head. The observations following apply to the CHAPLAINS of the English Churches and Chapels in Foreign towns, and cities. Every Clergyman, who entertains the idea of filling the office of a *British Chaplain abroad*, ought to give to the subject the most serious consideration, and institute the most searching inquiries before he ventures to enter on such a trying yet important duty. If the *Chaplaincy* is connected with the British Embassy, or with the Consulate, it will doubtlessly possess many recommendations, and probably derive some pecuniary assistance from the Government at home: if it is not so connected, the provision in many cases will prove very precarious, and in the greater number of instances far from sufficient to meet the requirements of an independent and respectable position. Moreover, while some of the Foreign Governments will be found to give countenance and support to the *English Worship*, others will barely tolerate it; and in many instances not only interfere with the appointment of the Minister, but also with the expenditure of the funds of the Church or Chapel, and even with the application of the Offertory money, and the Surplice fees. The British Government is empowered by the legislature (6 Geo. IV. c. 87.) to give assistance towards the income of the Chaplain,

and the expences of the Church in those Foreign places to which there is a British *Consul* accredited; but by a strange oversight the Embassies are not included in the benefits conferred by this enactment. This will account for the absence of an English Chaplain in certain of the cities where our Ambassadors reside. Latterly, however, some provision appears to have been made for the performance of the English Worship, and the support of a Chaplain in connection with two or three of the most important Embassies.

The *Appointment* of the Chaplain where the Home Government furnishes assistance is legally vested in the *Secretary of State for Foreign Affairs*; and in this case the Bishop of London's *Licence* is necessary before he can officiate. The Foreign Secretary, however, does not arbitrarily interfere with the wishes of the English Residents in this matter, if presented through the Consul of the place, and seconded by his recommendation. The arrangements on this head are prescribed in the Act referred to, and quoted below. In Foreign towns the *Appointment* of the English Chaplain generally rests with the Congregation. In some places, as in several of the small German States, it is assumed by the ruling Prince: while in others the establishment takes the form of a Proprietary Chapel; the Appointment resting, either with the Minister who may have planted the Church and collected together his Congregation, or with the owner of the Building appropriated to the English Worship. But, wherever exists the power of *Appointment*, the same authority possesses the right of summary dismissal without regard to the *Licence* of the Bishop.

The *Funds* at the disposal of the English Chaplains for their individual maintenance, for the expences of conducting Divine Service, and for the rent of the building, where not aided by the Home Government, are derived chiefly from the *Seat-rents*, the quarterly Subscriptions of the English Residents, the Offertory alms, and from the casual liberality of Visitors,

collected weekly at the Church-doors. In some few instances the Foreign State, or the Town-Chest, or even the Hotel-keeper, makes a small annual grant by way of aid; or perhaps supplies a Room, or Building gratuitously: but there are numerous cases where the Funds procured are not sufficient to cover the incidental expences. To specify the amount of the Incomes generally received would be impossible: they vary from under £10 *per Annum* to upwards of £300; instances of Chaplains enjoying the latter sum, or anything approaching to it, are by no means common.

As to the *Places of Worship*, they are in outward appearance lamentably unecclasiastical. In one or two important cities a building something approaching to the idea of an English Church may be discovered: in other places the Chapels exclusively appropriated to our worship are generally of a very plain and unostentatious character, and have been either erected for the purpose, or converted from some secular use by suitable fittings and arrangements, as the Granary outside the Roman walls lately made a subject of so much notoriety. In many instances Divine Service is performed in the building belonging to other Communions, Protestant or Roman Catholic, at times when not engaged in their own Services: or, again, it may be in a Private Room in an Hotel, or elsewhere, allowed gratuitously, or hired for the occasion; and in the interval reverting to its ordinary use. These remarks naturally lead to the inference that there must be in many cases an absence of all Church ornament, and furniture:—no Baptismal Font, no Sacramental vessels &c. This is perfectly true, and probably has some influence on the due observance of the Rites and Ceremonies of the English Church in Foreign Countries.

*Divine Service*, however, notwithstanding these serious drawbacks, and deficiencies, is conducted with much reverence and decorum; and *Pastoral visiting* carried out with zeal and energy. But the performance

of the *Occasional Services* is exposed to greater inconvenience, and subject to many restrictions.

*Baptism* is seldom administered during the time of Public Service; there is generally speaking no proper Font, and where no place of Worship is exclusively appropriated to the English Church, this Service is usually performed in private houses.

The Rite of *Confirmation* from the absence of Episcopal superintendence is rarely conferred, which is a matter deeply to be regretted\*.

With respect to the solemnization of *Matrimony* according to the Office of the Church of England, it cannot be attempted in a Foreign country but under certain limitations, as it is only accounted legal and valid when performed by a Minister of the Church of England in the Chapel or House of the British Ambassador, Consul, or Chargé d'Affaires, or of a British Factory (by 4 *Geo. IV. c. 91.*), within the lines of a British Army, or on board a British Man-of-war carrying a Chaplain. In countries where *Marriage* is regarded as a civil contract, it is held valid by the English law, if it be performed according to the *lex loci*, and independently of the Rites of our Church; but the serious objection to Marriages of this kind is, the difficulty of obtaining at a future time the necessary legal proof. By the 12 & 13 *Vict. c. 68.* *Marriages* may be solemnized at the British Consulate by, or in the presence of, the Consul and two witnesses, either according to the Rites of the

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\* The *Bishop of London* sometimes passes over to the Continent with the view of administering the Rite of Confirmation in the Chapels under his Lordship's licence; and the *Bishop of Gibraltar's* Visitations for the like object now extend over southern Europe, and the shores of the Mediterranean: but for a long time *Bishop Luscombe*, consecrated by the Scottish Episcopal Church for the purpose of superintending the Clergy abroad, endeavoured at great personal expence and inconvenience to meet the necessity of the case, and visited those places where the Chaplains put themselves under his licence: in this respect lies the advantage of having *Episcopal Licence*.

Church of England and Ireland, or other Form and ceremony, or by the Consul himself, as the parties may prefer. 'When not according to the Rites of the Church of England and Ireland, then in some part of the ceremony, and in the presence of the Consul and witnesses, each of the parties shall proclaim

"*I do solemnly declare, that I know not of any lawful impediment why I, A. B. may not be joined in Matrimony to C. D.*"

And each of the parties shall also say to the other,—

"*I call upon these persons here present to witness, that I, A. B. do take thee, C. D. to be my lawful wedded Wife [or Husband].*"

The names and residences of the parties, and their witnesses, &c, are then duly entered in the Register provided for the purpose. The Consul must be authorized to act in this matter by one of the Secretaries of State; and in the absence of such Consul, or where there is no British Consul resident, any Vice-consul, or consular Agent, may be similarly appointed to solemnize and register Marriages. The *Fee* to the consul for every Marriage, if by Licence, is 20s.; if otherwise, 10s. The cost of the Licence is 20s. and for a notice without Licence, 10s. (See 12 & 13. *Vict.* c. 68.).

Further, the performance of the *Burial Service* exactly in the manner prescribed in our Book of Common Prayer is dependent upon local circumstances: the portion usually read in the Church is oftener read in the house of the deceased, and the remaining part in the Cemetery at the side of the grave.

Lastly, a great source of dissatisfaction with respect to the Baptisms, Marriages, and Burials performed by the English Chaplains abroad is the want of a properly authorized system of *Registration*. It is true that these matters may be entered in the *Foreign Register Books*, but they are not always easily accessible, and may not be open to inquiry when suits at law are pending, or the rights of property are called in question.

Much more might be mentioned on this subject, but sufficient, probably, has been brought forward to shew the necessity of great forethought, and of correct information with regard to the circumstances of place, position, and emolument, before accepting a *British Chaplaincy abroad*.\*

Where the Chaplaincy is connected with the *British Consulate* by reason of accepting the assistance of the Parliamentary grant, which is proportionate to the Subscriptions of the English Residents, the disposal of its funds, and the general management, are regulated by the Act (6 Geo. IV. c. 87) under which the grant is conferred. The Statute defines also the CHAPLAIN'S *Salary*, and vests his *Appointment* in the Crown, which is made through the Secretary of State for Foreign Affairs. The Enactment follows:—

*Amount how to be apportioned.*—‘At any Foreign Port or Place in which a CHAPLAIN is now, or shall at any future time be, resident and regularly employed in the celebration of Divine Service, according to the Rites and Ceremonies of the United Church of England and Ireland, or of the Church of Scotland, and maintained by any voluntary subscription or rate, levied among or upon His Majesty's Subjects resorting to or residing at such Foreign port or place,.....it shall and may be lawful for any Consul-General or Consul, in obedience to any order for that purpose issued by His Majesty through one of his principal Secretaries of State, to advance and pay from time to time, for and towards the maintenance and support of any such CHAPLAIN as aforesaid, or for and towards defraying the Expenses incident to the due celebration of Divine Service in any such Churches and Chapels, or for and towards the interment of any of His Majesty's subjects in any such Burial Grounds, any Sum or Sums of money, not exceeding in any one year the amount of the sum or sums of money which during that year may have been raised at such Port or Place for the said several purposes or any of them by any such voluntary subscription or rate as aforesaid.’—Sect. 10. The next Section (s. 11.) provides that the like assistance shall be furnished for erecting, purchasing, or hiring any Church or Chapel or other building to be appropriated for the celebration of Divine Service;—or a building for a Hospital—or land for a Burial Ground. The following Section (s. 12.) requires His Majesty's approbation always to be first obtained, and the Subscriptions to be actually paid up.

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\* If further information is desired, the Reader is recommended to peruse a very full and valuable little work on this subject, entitled “*The English Church on the Continent*”; edited by the Rev. G. E. Biber, LL.D. (pp. 88.). Price, 2s. 6d. Rivington.

*Chaplain's Salary, and Appointment.*—‘Provided also that the whole *Salary* of any CHAPLAIN heretofore appointed or to be appointed to officiate in any such Church or Chapel in any Foreign Port or Place in *Europe*, shall not exceed in the whole £500 by the year; or in any Foreign Port or Place not in *Europe*, £800 by the year: provided also that all such CHAPLAINS shall be appointed to officiate as aforesaid by His Majesty, through one of his principal Secretaries of State, and shall hold such their Offices for and during His Majesty's pleasure.’—Sect. 13.

*Management.*—The Consul-General or Consul shall, once at the least in every year, and more frequently if occasion shall require, by Public Advertisement, or in such other manner as may be best adapted for insuring publicity, convene and summon a Meeting of all His Majesty's subjects residing at such Foreign Port or Place as aforesaid, to be holden at the public Office of such Consul-General or Consul, at some time, not more than 14 days nor less than 7 days next after the publication of any such summons; and it shall and may be lawful for all His Majesty's Subjects residing or being at such Foreign Port or Place as aforesaid, at the time of any such Meeting, and who shall have subscribed any sum or sums of money not less than £20 in the whole, nor less than £3 by the year, for or towards the purposes before mentioned, or any of them, and have paid up the amount of such their subscriptions, to be present and vote at any such Meetings; and such Consuls-General or Consuls shall preside at all such Meetings.’—Sect. 14.

*Rules, and Regulations.*—‘It shall and may be lawful for any such General Meeting as aforesaid, to make and establish, and from time to time, as occasion may require, to revoke, alter, and render such general Rules, Orders, and Regulations as may appear to them to be necessary for the due and proper use and Management of such Churches, Chapels, Hospitals, and Burial Grounds as aforesaid, or for the proper control over and expenditure of the Money raised by any such Subscription as aforesaid, or otherwise in relation to the matters aforesaid, as may be necessary for carrying into execution the objects of this Act.’—Sect. 15. This Section further provides that no Rule, Order, or Regulation will be of any force or effect, unless sanctioned by the Consul-General or Consul, and approved by the Government at home, who hold to themselves also the right of making such amendments, alterations in, or additions to the same, as they may think proper.

## 2. Gaol Chaplains.

The Office of the GAOL CHAPLAIN varies under different circumstances.\* The Offenders in the

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\* For much of the information in respect of *Gaol Chaplains* the Editor is indebted to the kindness of the Rev. J. Davis, M.A. the

Prisons of Cities and Towns are not usually of the same class as those confined in County Gaols, nor can either of them be said to assimilate in character with the inmates of Debtors' Prisons. In all cases the routine functions of the Chaplain are much the same; but in the case of Criminals, a constitutional strength of nerve, and thorough command of feeling, are essential to the discharge of the required duties either with satisfaction to himself, or benefit to the individuals entrusted to his spiritual care. It may be said, further, that a *Chaplaincy* of this kind does not at all approximate to a Parochial charge with regard either to its comforts, its sympathies, or its spiritual associations. Whoever undertakes this office must be willing to forego the pleasures of the Christian Ministry arising from that friendly communication and mutual confidence which are the springs of endearing intercourse between a faithful pastor and his flock: yet instances of recovery and conversion are not wanting to compensate his labours, and brighten occasionally the path of the Prison Chaplain in the painful task of awakening the abandoned and unprincipled to a sense of better things.

A *Gaol Chaplain* ought to study well the causes of crime, and carefully mark the progressive steps of its development. He must allow himself to be taught by facts and personal observation, rather than by mere deductions of theory and philosophy; and he should possess not only a facility of addressing all classes of Offenders, so as to lead them to sincere and heartfelt penitence; but have also that patient perseverance which will not suffer him to be disappointed, nor to abandon as hopeless the cases where his instructions may be received with indifference, or his efforts be thwarted by obduracy of heart. Little confidence however is to be placed in Prison repentance; for

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Ordinary of Newgate; the *Rev. W. S. Rowe*, M. A. the Chaplain of the Surrey County Gaol, Horsemonger Lane; and to *Sergeant Merewether*, Town Clerk of the City of London.



while Criminals are under restraint, and consequently removed from external impulses, and the evil promptings of old associates, the real value of their penitence cannot be justly estimated. Relapses are often sudden after a long continuance of apparent reformation and contrition: and the greatest caution is required to escape being deceived by deliberate hypocrisy; but still, every one who has to do with criminal Prisoners must anticipate being deceived.

There is one important point which a Chaplain should sedulously guard against, and that is addressing Prisoners in large bodies: experience has proved that most good is done by private and individual exhortation: and again, every approach to social familiarity in the intercourse with Offenders is fatal to all success, and will inevitably lead to the degradation of the Clergyman.

The most painful solicitude will necessarily be called forth by cases of atrocious crime, and where *Public Executions* are involved. The course to be pursued will depend upon the peculiar circumstances of each case, and demand much judgment and discretion: an earnest and prayerful endeavour to do all that man can do,—by a simple yet forcible exhibition of the divine truths of Revelation, and by impressing upon the unhappy culprits the terrors of the *Judgment-day*,—to make them duly sensible of the awfulness of their position, is all that remains for private teaching: while the addresses from the Pulpit should be plain and scriptural, and directed rather to the conscience than the understanding.

With regard to the *Confessions* of Criminals, the Chaplain must exercise great discretion. The 'Regulations' of the Prison require him to refrain from putting questions to Prisoners *before trial* that might tend to draw from them admission of guilt: and the 113th CANON directs

'..... That if any man confess his secret and hidden sins to the Minister, for the unburdening of his conscience, and to receive spiritual consolation and ease of mind from him; we do not any

'way bind the said Minister by this our Constitution, but do straitly charge and admonish him that he do not at any time *reveal* and *make known* to any person whatsoever any crime or offence so committed to his trust and secrecy (except they be such crimes as by the laws of this Realm his own life may be called into question for concealing the same) under pain of irregularity.'

This may be further explained by the opinion following:—

MR. A. J. STEPHENS (*Barrister-at-law*), says:—'Although by the Ecclesiastical Law priests are bound *not to reveal Confessions*, yet such communications to Protestant or Roman Catholic Clergymen are, by the civil and the common law, *unprivileged communications*, and respecting which a witness may be examined or cross-examined in a court of justice.—(*Gilham's case*. R. & M. C. C. 198: *Rex v. Sparkes*, cit in *Du Barre v. Liville*. Peake's N. P. C. 108: *Butler v. Moore*, Macnally, 523. Roscoe on Evidence. 6th Edit. 124. 2 Stephens on Nisi Prius, 1766).—*Book of Com. Prayer*. E. H. S. Vol. i. 400.

The Appointment, and the Duties of the CHAPLAINS of *Borough-Gaols*, *County Prisons*, and *Houses of Correction*, are so fully explained in the Acts of Parliament, and in the Regulations certified by the Secretary of State, that the Editor cannot perhaps do better than quote those Enactments, and Regulations, in order to put the Reader in possession of the information he may require.

*Appointment* is by the Justices, &c.—'Be it enacted that the *Justices* assembled in General or Quarter Sessions shall, and they are hereby required, from time to time to *Nominate* for each *Prison* within their jurisdiction, to which this Act shall extend, a Clergyman of the Church of England to be CHAPLAIN thereof; and the said Justices may, if it seem to them expedient nominate the same Clergyman to be and officiate as *Chaplain* to any *two Prisons*, situate within a convenient distance from each other.'—4 Geo. IV. c. 64. s. 28.

— in *Boroughs* is generally in the Town-Council.—'In every *Borough-Gaol*, and *House of Correction*, a Clergyman of the Church of England shall be appointed to be CHAPLAIN thereof by the same authority by which the *Keeper* is appointed.'—2 & 3 Vict. c. 56. s. 15.

*Assistant Chaplain* may be appointed when the Prisoners amount to 250 in number.—'In every Prison in which the average number of Prisoners confined at one time during the *three years* next before his Appointment shall not have been less than 250, it shall be lawful for the Justices, or other persons having the Appointment of the *Chaplain*, to appoint if they shall see fit, an *Assistant Chaplain* or Assistant Chaplains.'—ib. Sect. 16.

*Bridewell* excepted—‘Nothing herein (in 2 & 3 *Vict. c. 56.*) shall be construed to affect the *Appointment*, or ‘the *Salary* of the Chaplain of the *Royal Hospital of Bridewell.*’—*ib.*

*Dissenters* may have a Minister of their own persuasion.—‘If any Prisoner shall be of a religious persuasion differing from that of the Established Church, a *Minister of such persuasion*, at the special request of such Prisoner, shall be allowed to visit him or her at proper and reasonable times under such restrictions imposed by the Visiting *Justices* as shall guard against the introduction of improper persons, and as shall prevent improper communications.’—4 *Geo. IV. c. 64. s. 31.*

*Duties* of Chaplains are thus detailed.—‘Every such CHAPLAIN shall on every *Sunday*, and on *Christmas-day*, and *Good Friday*, perform the appointed *Morning and Evening Services* of the Church of England, and *Preach* at such time or times, between the hours of *nine* and *five* of the day, as shall be required by the Rules and Regulations to be made as directed by this Act; and shall *Catechise* or *instruct* such Prisoners as may be willing to receive instruction; and shall likewise *visit* the Prison on such other days, and perform such other duties, as shall be required by the Rules and Regulations to be made as directed by this Act; and shall administer the *Holy Sacrament of the Lord’s Supper* to such Prisoners as shall be desirous, and as such CHAPLAIN may deem to be in a proper frame of mind to receive the same; and such CHAPLAIN shall also frequently *visit every Room and Cell* in the Prison occupied by Prisoners, and shall direct such *Books* to be distributed and read, and such *Lessons* to be taught in such Prison, as he may deem proper for the religious and moral instruction of the Prisoners therein; and he shall visit those who are in *Solitary confinement*; and it shall be his particular duty to afford his spiritual assistance to all persons under warrant or order for *execution*; and he shall have free access to all persons *convicted of murder*, any law, statute, or usage to the contrary notwithstanding; *except* to such persons as shall be of a *religious persuasion different* from that of the Established Church, who shall have made a request that a Minister of such persuasion shall be allowed to visit them; and every such CHAPLAIN shall communicate from time to time to the *Visiting Justices* any abuse or impropriety which may have come to his knowledge,’—*ib. Sect. 30.* The *Regulations* issued by the *Justices* and sanctioned by the Secretary of State are annexed.

Appended to the Act, 2 & 3 *Vict. c. 56.* is a Schedule of *Questions*, the Answers to which are annually returned to the Secretary of State. The 28th *Question* relates to the CHAPLAIN, and is as follows:—

‘What *Duties* are performed by the Chaplain? What provision made for *Instruction*? And whether Prisoners are supplied with *Bibles*, and other *Books* of a moral and religious character?’

*Incompetence or Neglect.*—‘If it shall appear to the *Justices* in General or Quarter Sessions assembled, that any

'CHAPLAIN is *incompetent* to the due performance of his Duties, 'or is *unfit* to be continued in his office, or shall have refused 'or wilfully neglected to perform the duties required of him by the 'Rules and Regulations to be made as directed by this Act, they are 'hereby empowered to *remove him* from such office.'—4 Geo. IV. c. 64. s. 30.

*Journal to be kept.*—The CHAPLAIN 'shall further 'keep a *Journal*, in which he shall enter the times of his attendance 'on the performance of his Duty, with any observations which may 'occur to him in the execution thereof, and such *Journal* shall 'be kept in the Prison, but shall regularly be laid before the 'Justices for their inspection at every Quarter Sessions, and shall be 'signed by the *Chairman* of the Sessions, in proof of the same having 'been then produced.'—*ib.* See REGULATIONS annexed.

*Licence from the Bishop must be had.*—'No 'Clergyman so nominated (*as Chaplain*) shall officiate in any prison 'until he shall have obtained a *Licence* for that purpose from the 'Bishop of the Diocese wherein the Prison is situate, nor for any 'longer time than while such *Licence* shall continue in force.'—*ib.* Sect. 29.; and 2 & 3 Vict. c. 56. s. 15.

\*. The 'City of London' holds the *Ordinary of Newgate* to be exempt from Episcopal jurisdiction: *but*, the Editor is empowered to state, that under the authority of an Order in Council the Bishop of London is invested with jurisdiction over *all* Clergymen within his Lordship's Diocese; and should occasion require, by the commitment of any offence against the Laws Ecclesiastical, the Bishop would assert his jurisdiction by legal process. [*From Authority*].

*Notice to the Bishop on Appointment.*—Notice of 'every such *Nomination* (*to the Chaplaincy*), shall, *within one* 'month after it shall take place, be transmitted to the Bishop by the 'Clerk of the Peace, or Town Clerk.'—*ib.* and 2 & 3 Vict. c. 56. s. 15.

*Plurality forbidden when Prisoners amount to 100 in number.*—'No person who shall be appointed after the commencement of this Act (*August 17th.*, 1839) to the office of 'CHAPLAIN of any Prison in which the average number of 'Prisoners confined at one time during the three years next before 'his appointment shall *not* have been *less than 100* shall hold any 'Benefice with cure of souls, or any *Curacy*, whilst holding the office 'of CHAPLAIN of such Prison.'—2 & 3 Vict. c. 56. s. 16.

*Removal of the CHAPLAIN may take place from incompetency, misconduct or neglect by order of Justices in Quarter Sessions.* (See '*Incompetence*' above).

*Residence.*—'Every such *Chaplain* and *Assistant* 'Chaplain shall reside within a distance not exceeding *one mile* from 'the Prison in which they hold their Chaplaincies.'—2 & 3 Vict. c. 56. s. 16.

*Stipend* appointed by the Justices.—‘The said Justices are hereby authorized to appoint a *Salary* to be paid to the Clergyman so nominated CHAPLAIN as aforesaid, out of the *County Rate*, or *Rate* lawfully applicable to the maintenance of such persons; and the *Amount* of Salary shall be regulated in the following manner; viz. When the CHAPLAIN shall be appointed to *one Prison* only, and the number of *Prisoners*, including *Debtors*, which the said Prison is calculated to receive does

	<i>Prisoners</i>		£
‘Not exceed.....	50	{ the <i>Salary</i> to be not more	150
‘.....	100	{ than.....	200
‘.....	200	.....	250
‘If upwards.....		at the discretion of the Justices,	

‘Where the CHAPLAIN shall be appointed to *two Prisons*, whatever the number of Prisoners such two Prisons may be calculated to contain, it shall be lawful for the *Justices* to appoint the *Salary* at their discretion with reference to the Duties performed: provided also that where any *two* or *more* Prisons shall be under the custody of *one and the same Keeper*, they shall be considered as *one Prison* with reference to the Duties and *Salary* of the CHAPLAIN.—4 *Geo. IV. c. 64. s. 28.*—So with ASSISTANT CHAPLAINS.—The Persons having the control of the *Funds* applicable to the expences of such Prison (are) to fix the *Salary* to be paid to such *Assistant Chaplain* or *Assistant Chaplains*, and to make orders for the payment thereof out of the *Funds* applicable to those expences.—2 & 3 *Vict. c. 56. s. 16.*

*Substitute* allowed occasionally.—‘In case of *Sickness*, or necessary *engagement*, the CHAPLAIN shall appoint a Clergyman to be his *Substitute* for the occasion, such *Substitute* being approved of by the *Visiting Justices*; and the Name and Residence of such *Substitute* shall be specified in the Chaplain’s *Journal*.—4. *Geo. IV. c. 64. s. 28.* See *Regulations* annexed.

*Superannuation* by reason of age or infirmity.—‘In any case any CHAPLAIN shall, from confirmed sickness, age, or infirmity, become incapable of executing the office in person. the Justices of the Peace, at any General or Quarter Sessions of the County, Riding, Division, District, City, Town, or Place respectively, shall take the circumstances of the case into their consideration; and if such Justices shall deem it expedient, they are hereby empowered to grant to such CHAPLAIN such *Annuity* as they in their discretion shall think proportionate to the merits and time of his services, and may order the payment out of the Rates lawfully applicable to the Building and Repairing such Gaols and Prisons: provided always, that the *Amount* so paid by way of *Superannuation* or allowance to any retired CHAPLAIN of any one Prison shall not exceed the Amount of *two-thirds* of the *Salary* fixed for the succeeding Chaplain of such Prison.—1b. *Sect. 32.*

*Visits to be entered in a Book.*—‘There shall be kept in every Prison, to which this Act shall extend, a *Book* in which the CHAPLAIN.....shall regularly insert the date of every visit made by such CHAPLAIN.....; and every such entry shall be signed with the name and in the proper hand-writing of such Chaplain.....; and shall contain such remarks as may be thought necessary on the occasion of any such visit; and every Keeper of every such Prison shall be responsible for the safe custody of such *Book*, whole, unmutilated, and unaltered, and shall at all times, when required so to do, produce such *Book*, for inspection, to the Justices at every General or Quarter Sessions, and to the Visiting Justices, or to any Justice of the Peace for the County, Riding, &c., wherein such Prison shall be situate; and the CHAPLAIN shall, on every Michaelmas Quarter Sessions, deliver to the Justices a *Statement* of the condition of the Prisoners, and his observations thereupon.’—*ih. Sect. 34.*

In IRELAND three *Gaol Chaplains* may be appointed,—one of the Church of England, one Roman Catholic Chaplain, and one Protestant Dissenter: by 7 *Geo. IV. c. 74. ss. 68—71*; in which their several duties are explained. Those Ministers officiating in the Parish wherein the Prison is situated are to be preferred: by 1 & 2 *Geo. IV. c. 57. s. 17*; 3 *Geo. IV. c. 64. s. 25.*

#### REGULATIONS AS TO DUTIES OF CHAPLAINS.

*Extracted from the REGULATIONS for the Government of the Prisons in England and Wales.* (Printed by W Clowes and Son, for H. M. Stationery Office.)—*And of the Prisons in the City of London.* (Printed by A. Taylor, for the Honourable City of London;) both certified by the Secretary of State.

*Divine Service.*—‘The CHAPLAIN shall on every Sunday, Christmas Day, and Good Friday, and on public Fast and Thanksgiving Days, perform the appointed Morning and Evening Services of the Church of England, and preach a Sermon.—The time of Divine Service is to be fixed by the Visiting Justices, between the hours of nine and five of the day.’ (in Eng. & Wa.; and in City of London.).

*Daily Prayers.*—‘He shall read *Prayers* daily, to be selected by him from the *Liturgy* of the Church of England, together with a portion of Scripture, in the Chapel. In case of his absence (to be entered in his Journal), the Daily Prayers are to be read by the Governor, Schoolmaster, or by some other officer approved by the Visiting Justices.’ (E & W.; C. of L.).

*Administer the Sacrament.*—‘He shall Administer the Sacrament of the Lord’s Supper at least four times in the year to such Prisoners as shall be desirous to receive the same, and

'as he may deem in a proper frame of mind: and he shall enter  
'in his Journal the names of such Prisoners as communicate,'  
(E. & W.; C. of L.).

*Instruct Prisoners in Classes.*—'He shall in addition to the  
'performance of the stated religious Services, assemble the Pri-  
'soners in Classes, for general religious instruction.' (E. & W.).

*See Prisoners apart from others.*—'He shall, at stated times,  
'see every Prisoner in private, in order to be able to direct his  
'advice and instruction, with reference to the peculiar character  
'and state of mind of each Prisoner, and that under circumstances  
'in which the Prisoner is likely to be least reserved, and most open  
'to good influence.' (E. & W.; C. of L.).

*Admission of Guilt.*—'In the case of Prisoners before trial,  
'however, he shall refrain from inquiries which may tend to draw  
'from them admissions of guilt.' (E. & W.; C. of L.).

*Visit the Sick and others daily.*—'He shall see the Sick daily,  
'shall frequently visit every Room and Cell occupied by Prisoners,  
'and attend at all reasonable times any Prisoner who may require  
'his spiritual advice and assistance. He shall pay especial atten-  
'tion to Juvenile offenders; and he shall daily visit Prisoners in  
'solitary or separate confinement, or under close confinement for  
'prison offences.' (E. & W.; C. of L.).

*Prisoners ordered for Execution.*—'He shall more particularly  
'afford his spiritual assistance to all Prisoners under order for  
'execution, or committed on charges punishable with death.'  
(E. & W.).

*Prisoners' on Admission and Discharge.*—'He shall see and  
'admonish every Prisoner under charge or conviction of any crime,  
'on admission and discharge.' (E. & W.; C. of L.).

*Prisoners' state of mind.*—'He shall pay particular attention  
'to the state of mind of every Prisoner; and if he observe that the  
'mind of any Prisoner is likely to be injuriously affected by the  
'discipline of treatment, he shall report the same in writing to the  
'Governor, the Surgeon, and one or more of the Visiting Justices,  
'entering such report in his Journal.' (E. & W.; C. of L.).

*Character Book.*—'He shall keep a Character-Book, in which  
'shall be entered the names of all Prisoners, with such information  
'as he may receive in his communications with them, or otherwise,  
'touching the following particulars:—Age, Occupation, Condition,  
'Education, and Connexions of the Prisoner; his previous Character  
'and habits; when and whence received, and with what character;  
'whether previously convicted, and how often.' (E. & W.; C. of L.).

*Journal.*—'He shall keep a Journal in which he shall enter  
'any observations that may occur to him in the performance of his  
'duties, together with all occurrences of importance.' (E. & W.;  
C. of L.).

*Distribution of Books.*—'He shall superintend the Distribution  
'of Books to be read by Prisoners belonging to the Established  
'Church; and inspect all books proposed for their use, and reject  
'such as he may deem improper. And he shall see that there is a  
'proper supply of Reading Lessons, Slates, Copy-Books, and other  
'materials of instruction.' (E. & W.; C. of L.).

*Superintend the Schools.*—'He shall direct the disposal of the  
'time of the Schoolmaster and Schoolmistress, and the course of In-  
'struction to be pursued by them; and he shall superintend the

'Schools, and frequently visit them, and examine the Prisoners as to their progress. No Prisoner shall be compelled to attend School against his inclination; but, on the contrary, the permission to receive instruction shall always be treated as a boon.' (E. & W.; C. of L.).

*Prisoner's Letters.*—'He may inspect every Letter to and from a Prisoner, except those of Debtors, and Misdemeanants of the first division, and except such as are addressed to a Visiting Justice, or other authority.' (E. & W.; C. of L.).

*Substitute.*—'In case of his absence from the Prison on leave, or sickness, or necessary engagement, he shall appoint, with the consent of the Visiting Justices, a substitute (who shall be responsible for the general duties of the Chaplain), and insert his name and residence in his Journal. In the event of his being suddenly prevented from performing his duty by illness or otherwise, he may in such case accept the assistance of a Clergyman of the Church of England in the performance of Divine Service in the Chapel; inserting the fact, and the name of such Clergyman, in his Journal.' (E. & W.; C. of L.).

*Yearly Report.*—'He shall at every Michaelmas Quarter Sessions deliver to the Justices a written Statement as to the religious and moral instruction and condition of the Prisoners, with his observations thereon.' (E. & W.; C. of L.).

#### *Assistant Chaplain.*

ASSISTANT CHAPLAIN.—'He shall consider himself generally responsible for the Clerical and other duties prescribed under the head of "Chaplain;" and as standing in the relation of Curate to the Chaplain. In the event of any difference of opinion between the Chaplain and his Assistant, upon the subject of arrangement of duties, the case is to be referred to the Visiting Justices.' (E. & W.).

#### *Chapel-Clerk and Schoolmaster.*

CHAPEL-CLERK and SCHOOLMASTER.—*Attendance.*—'He is to come on duty on Sundays at  $\frac{1}{4}$  before 10 A.M., and leave one hour for dinner; return to the Prison at  $\frac{1}{4}$  past 2 P.M., and attend the Afternoon Service. On all the other days in the week he is to attend at the Prison at  $\frac{1}{2}$  past 8 A.M. to arrange the Books in the Chapel, and, if necessary, to light the gas, and have all ready for the Chaplain to perform the usual Morning Service by  $\frac{1}{4}$  before 9 A.M.' (C. of L.).

'After the Service in the Chapel is over, he is to attend to the School, and such other duty as the Chaplain may require him to perform. He is to have from 1 P.M. to  $\frac{1}{4}$  before 4 P.M. for refreshment and relaxation; and at 4 P.M. he is to re-assemble the Prisoners, and teach them in the manner directed by the Chaplain, remaining on duty until 8 P.M. On Saturday he is to be permitted to leave at 1 P.M., and have the Afternoon to himself, unless specially required by the Chaplain.' (C. of L.).

*Obey Orders.*—'He is to obey all further Orders given him by the Visiting Justices, the Chaplain, or Governor.' (C. of L.).

*Report to the Chaplain.*—'He shall from time to time make Reports in writing to the Chaplain, as to the conduct and progress



'of the Prisoners; such Reports to be filed, and a minute of them made in the Chaplain's Journal.' (C. of L.).

*School.*—He is strictly to attend to the *Directions* of the *Chaplain*, as to the *course of Instruction* to be pursued in the School; and to conform to the directions of the *Governor* in all matters relating to the general discipline of the Prisoners under his 'superintendence.' (C. of L.).

*Registers.*—He is to keep such Registers, or other Books relating to the Prisoners, as he may be directed.' (C. of L.).

As *Chapel-Clerk.*—The *Schoolmaster* is regularly to officiate as '*Chapel-Clerk.*' (C. of L.)

#### 4. *Hospital, and Infirmary Chaplain.*

The Duties of this Office vary according to circumstances, yet they are generally speaking similar to those of the *Union Workhouse Chaplain*. In most cases one Service only is required on the *Sunday*, and one, probably, on a *week-day*: the Chaplain is also expected to visit the different Wards two or three times in the week, so as to afford spiritual assistance when needed, and at all times to hold himself in readiness in case he should be wanted on any emergency. The usual '*Papers*' are required by the Bishop before granting a *Licence*, and the customary *Oaths* have to be taken, and the usual *Subscription*, and *Declaration* made. (See UNION CHAPLAIN, *postea*.)

#### 5. *Chaplains to the Houses of Parliament.*

In the two *Houses of Parliament* Prayers are daily read. In the *House of Lords* by the Bishop last privileged to sit in the House. In the *House of Commons*, by an especial *Chaplain*.

The Chaplain of the House of Commons.

The appointment of *Chaplain* of the HOUSE OF COMMONS is vested in the *Speaker*, and it is his privilege to make his own appointment on his election to the Chair of the House. The Chaplain's *Salary* is £400 *per annum*; and in respect of this office he is in no degree under the jurisdiction of the Bishop of

the Diocese. He is neither licensed, nor instituted, by Episcopal authority.

The *Chaplain* has to attend the *Speaker* in the House of Commons in full Canonical Costume, with knee breeches, buckles, &c.; and to walk in procession with the *Speaker* from the *Speaker's* rooms to the Bar of the House. There the *Chaplain* waits, until the *Speaker*, having arrived at the Table preceded by the Mace, directs the Sergeant-at-arms to usher him in. The *Chaplain* then proceeds to the Table making three bows, one as he leaves the Bar, another as he approaches the Table, and the third to the *Speaker*. The *Chaplain*, while in the performance of his duties, stands and kneels, as the occasion requires, side by side with the *Speaker* at the Table of the House; their faces, the while, being turned to the Bar. At the conclusion, the *Chaplain* retires backward to the Bar, bowing thrice in like manner as he entered.

The *hour* of Prayers in the House is usually at a *quarter* to 4 o'clock; but, in the latter part of the Session, it is very frequently earlier, at 12 o'clock.

The *Chaplain* has to preach before the House on great National occasions at St. Margaret's, Westminster: and has to attend the *Speaker* when he goes, in state, to Court. He also sits at the head of his table, and pronounces '*Grace*' at the *Speaker's* full dress dinners before Easter.

The *Form of Prayers* used in the House comprises a selection from those found in the *Book of Common Prayer*, with one other especial Prayer, respecting which we have no evidence of its date, or author: but it is not considered of any very great antiquity,—For the above information, as well as for the following '*Form of Prayer*' in daily use at the Table of the House of Commons, we are indebted to the kindness of the Rev. THOMAS GARNIER. B. C. L. who for the last nine years has held the important office of *Chaplain* of the House of Commons.

‘PRAYERS  
‘FOR  
‘THE PARLIAMENT.

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‘*Psalm lxxii.*

‘GOD be merciful unto us, &c. *Amen.*

‘¶ *After the Psalm these Suffrages, and the Prayers following, shall be used.*

‘THE LORD be with you.

‘*Answer.* AND with thy Spirit.

‘¶. *Let us pray.*

‘OUR FATHER, which art in heaven, &c. *Amen.*

‘O LORD our heavenly Father, high and mighty, King of kings,  
‘Lord of lords, &c. *Amen.*

‘ALMIGHTY GOD, the fountain of all goodness, we humbly  
‘beseech Thee to bless the *Prince Consort, Albert Prince of Wales,*  
‘&c. *Amen.*

‘ALMIGHTY GOD, by whom alone Kings reign, and princes  
‘decree justice; and from whom alone cometh all counsel, wisdom,  
‘and understanding; we Thine unworthy servants here gathered  
‘together in Thy Name, do most humbly beseech Thee to send Thy  
‘heavenly wisdom from above, to direct and guide us in all our  
‘consultations: And grant that we, having Thy fear always before  
‘our eyes, and laying aside all private interests, prejudices, and  
‘partial affections, the result of all our counsels may be to  
‘the glory of Thy blessed Name, the maintenance of true religion  
‘and justice, the safety, honour and happiness of the Queen, the  
‘public wealth, peace and tranquillity of the realm, and the uniting  
‘and knitting together of the hearts of all persons and estates  
‘within the same in true Christian love and charity one towards  
‘another, through Jesus Christ our Lord. *Amen.*

‘O ALMIGHTY GOD, who art a strong tower of defence  
‘unto thy servants against the face of their enemies; &c.\* *Amen.*

‘PREVENT us, O Lord, in all our doings, &c. *Amen.*

2 *Cor.* xiii.

‘THE grace of our Lord Jesus Christ, &c. *Amen.*’

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\* This thanksgiving, ‘*For Peace and Deliverance from our Enemies,*’ taken from among the ‘*Thanksgivings*’ in the Book of Common Prayer, “is now no longer used in the House of Commons. T. G.”

### 6. *Lunatic Asylum Chaplain.*

The position of a CHAPLAIN to a *Lunatic Asylum* is of a very different kind from that in other Public Institutions where the inmates are rational beings, and capable of deriving benefit at any time from the spiritual ministrations of a Clergyman. Here the *Chaplain* must be guided in most cases by the advice of the Medical Superintendent, and in a great measure submit to the control of the *Visiting Justices*. As might be supposed, the unfortunate state of mind of the inmates of these Institutions very materially circumscribes the spiritual functions of the Chaplain, so that the more usual duty devolving upon him is merely the reading of the Divine Services, and performing the ordinary ministrations of our Church.

*Appointment* is with *Visiting Justices*.—Every *Pauper Lunatic Asylum* is regulated by Act of Parliament (9 Geo. IV. c. 40.) which enacts that a majority of the *Visiting Justices*, present at a Meeting duly assembled, such major part *not being less than three*, shall have the power to appoint *all Officers* of the Institution, and to fix and regulate their *Salaries*, and *Duties*, and to remove all such Officers, whenever they should think it necessary for the interest of the Institution so to do: (Sect. 30.). Under the designation of '*Officers*' the CHAPLAIN is included.

The CHAPLAIN, however, must be provided with a *Licence* from the Bishop before he can discharge the functions of this Office; and notwithstanding the possession of such *Licence* he may at any time be removed at the discretion of the *Visiting Justices*; by Sect. 30 above; and as was decided in the case of the Rev. F. Tibbutt, 1841. (*Reg. v. Hanwell Lun. As. (Visitors of)* 2 Q. B. 433.).

The Appointment is regulated by the *Statute* as follows:—

*Appointment, and Licence*.—'In every case where 'a *County Lunatic Asylum* shall be provided, a CHAPLAIN shall be 'appointed for the same, which Chaplain shall be in '*full Orders*,' 'and shall be *licensed* by the Bishop of the Diocese: and the said '*Licence shall be revocable* by the Bishop whenever he shall think 'fit to withdraw it; and such CHAPLAIN shall perform on each

'Sunday, and on the great Festivals, the 'Divine Service' of our Church, according to the forms by law established,'—9 Geo. IV. c. 40. s. 32.

### 7. *Private Chaplains.*

A PRIVATE CHAPLAIN is a Clergyman appointed to officiate in the *Domestic Chapel* annexed to the residence of a Family of distinction, and from whom he receives remuneration for the services he may perform; or one who is appointed to attend on some *State Officer*, or *Public Functionary*. In most cases the position is merely *honorary*. The privilege of nominating and appointing such Chaplains was originally granted by 21 Hen. VIII. c. 13\*; 25 Hen. VIII. c. 16; 33 Hen. VIII. c. 28: the first mentioned Act specified the *number* of Chaplains the Nobility, and Officers of State, might at that day retain; and from which the present practice is derived, as shewn in the *Table* annexed:—

An Archbishop <i>may have</i> ...8.	Duchess, Marchioness, Countess, and Baroness, being widows .....2.
A Duke .....6.	Chancellor of the Duchy of Lancaster .....1.
Bishop .....6.	Judges of the Queen's Bench, and Common Pleas.....1.
Marquis, or Earl .....5.	Chancellor, and Barons of the Exchequer.....1.
Viscount .....4.	Warden of the Cinque Ports 1.
Lord Chancellor .....3.	Attorney, and Solicitor General .....1.
Baron.....3.	Lord Mayor .....1.
Knight of the Garter .....3.	Sheriffs of London .....1.
Treasurer, and Comptroller of the Queen's Household 2.	High-Sheriffs .....1.
Clerk of the Closet.....2.	
Queen's Secretary .....2.	
Dean of the Chapel.....2.	
Queen's Almoner.....2.	
Master of the Rolls.....2.	

The *Speaker of the House of Commons* also appoints his Chaplain, who reads Prayers daily in the *House* before business commences: (see *supra*).

In the *House of Lords* Prayers are read by the *Bishop* last privileged to sit in the *House*: (see *supra*).

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\* This statute was repealed by 57 Geo. III. c. 99.; and this, by 1 & 2 Vict. c. 106.

In entering upon the performance of his Duties the *Private Chaplain* must not forget the restrictions of the 71st Canon, which directs that,—

‘No Minister shall *Preach* or Administer the *Holy Communion* in any *Private House*, except it be in time of necessity, when any being either so impotent as he cannot go to the *Church*, or very dangerously sick, are desirous to be partakers of the Holy Sacrament, upon pain of *Suspension* for the first offence, and *Excommunication* for the second. Provided that Houses are here reputed for *Private Houses*, wherein are no *Chapels* dedicated and allowed by the Ecclesiastical Laws of this Realm. And provided also, under the pains before expressed, that no *Chaplains* do *Preach* or Administer the Communion in any other Places, but in the *Chapels* of the said Houses, and that also they do the same very seldom, upon *Sundays*, and *Holy-days*: so that both the *lords* and *masters* of the said Houses and their families shall at other times resort to their own Parish Churches, and there receive the *Holy Communion* at the least once every year.’—Canon 71.

According to this Canon, and the ‘*Act of Uniformity*,’ 13 & 14. Car. II. c. 4., ‘no Clergyman whatever of the Church of England,’ (says *Dr Lushington* in the case of *Hodgson v. Dillon*. 2 Curt. 391,) has any right to officiate in any Diocese in any way whatever as a Clergyman of the Church of England, unless he has a lawful authority so to do; and he can only have that authority when he receives it at the hands of the Bishop, which may be conferred in various ways: as by Institution, or by *Licence*. So it was decided in *Barnes v. Shore* (1 Rob. 382). In short, a Clergyman of the Church of England has no right to perform Divine Service in any house or building, except to his own family, without the *Licence* of the Bishop; as was also adjudged in the late case of *Freeland v. Neale* (1848): where the *Rev. J. M. Neale* was ‘admonished and condemned in the Costs,’ for performing Divine Service in the Chapel of *Sackville College, East Grinstead*, of which he was Warden, without the *Licence* of the Bishop of Chichester. (Cripps. Ec. C. 161.). See a late statute under ‘*Worship*’ in INDEX.

It must be remembered also, that these *Private Duties* are not allowed by the temporal law to interfere with the superior claims of a Parish upon

the time and services of its Minister, whether, while a *Domestic Chaplain*, he be the Incumbent, or the Curate, of such Parish. This is provided against by the 'Pluralities and Residence Act,' 1 & 2 *Vict.* c. 106. The exemptions are stated in the following *Section* :—

'No spiritual person serving as CHAPLAIN of the *Queen's* or *King's* most excellent Majesty, or of the *Queen Dowager*, or of any 'of the *Queen's* or *King's* Children, Brethren, or Sisters, during 'so long as he shall actually attend in the discharge of his duty as 'such CHAPLAIN in the Household to which he shall belong; and no 'Chaplain of any *Archbishop* or *Bishop*, whilst actually attending 'in the discharge of his duty as such Chaplain; and no spiritual 'person actually serving as Chaplain of the *House of Commons*, 'or as *Clerk of the Queen's* or *King's Closet*, or as a *Deputy Clerk* 'thereof, while any such person shall be actually attending and 'performing the functions of his office.....or as Dean, or Subdean, 'or PRIEST, or READER, in any of the *Queen's* or *King's Royal* 'Chapels at St James's, or Whitehall, or as a READER in the *Queen's* 'or *King's Private Chapels* at Windsor, or elsewhere.....shall be 'liable to any of the penalties or forfeitures in this Act contained 'for or on account of *Non-Residence* on any Benefice for the time in 'any year during which he shall be so as aforesaid resident, engaged, 'or performing duties, as the case may be.—1 & 2 *Vict.* c. 106. s. 38. Other exemptions are allowed to certain Royal Chaplains in 33 *Hen. VIII.* c. 28. which Act was not repealed by 1 & 2 *Vict.* c. 106.

The NOMINATION or APPOINTMENT of a *Private Chaplain* generally assumes one of the following Forms.

(a) FORM OF APPOINTMENT OF A PRIVATE CHAPLAIN.

'To all and Singular, to whom these Presents shall come, 'A \* \* \* B \* \* \*, Duke (*Marquis* &c. as the case may be) of ——— ' &c., sendeth Greeting.

'Know ye, that I, the said A \* \* \* B \* \* \*, Duke (or as the case 'may be) of ——— &c., for and on account of the great probity of 'life, integrity of morals, and proficiency in sacred learning, of C \* \* \* 'D \* \* \*. M. A. (or other degree) Clerk, have nominated, appointed, 'and admitted, and by these Presents do nominate, appoint, and 'admit him, the said C \* \* \* D \* \* \*, one of my Domestic 'Chaplains, to serve me in the performance of the Divine Offices 'within my House or Chapel: and by virtue hereof he, the said 'C \* \* \* D \* \* \*, shall have and enjoy all and singular the 'privileges, benefits, and immunities, which may or do of right 'belong to the Chaplains of the Barons and Peers of this realm 'of Great Britain, according to the Statutes in that case made, and 'provided.

In testimony whereof, I have hereunto put my Seal, and have  
 'subscribed the same this — day of —, in the year of our  
 'Lord one thousand, eight hundred, and fifty—.'

(L. S.) 'A \* \* \* B \* \* \*,  
 'Duke of —, &c.'

(b) FORM OF APPOINTMENT OF A BISHOP'S CHAPLAIN.

'To all and Singular, to whom these Presents shall come,  
 'A \* \* \*, by Divine permission Bishop of —, Greeting.

'Know ye, that We, the said A \* \* \*, Bishop of —, for and  
 'in consideration of the learning, good life, and sincere religion of  
 'our beloved in Christ C \* \* \* D \* \* \*, M. A. (or other degree)  
 'Clerk, have admitted, constituted, and appointed, and by these  
 'Presents do admit, constitute, and appoint, him, the said C \* \* \*  
 'D \* \* \*, one of our Domestic Chaplains, that he may by virtue  
 'hereof, have and enjoy all the privileges, benefits, immunities, and  
 'advantages, which may or do of right belong to the Chaplains of  
 'the Bishops and Peers of this realm of Great Britain and Ireland,  
 'according to the form of the Statutes in that case made and  
 'provided.

'In testimony whereof, We have put our Seal which we use  
 'in this case, to these Presents, and have subscribed the same  
 'this — day of —, in the year of our Lord one thousand,  
 'eight hundred, and fifty —; and in the — year of our  
 'Consecration.'

(L. S.) 'A \* \* \*, —

PUBLIC FUNCTIONARIES, as *Mayors, Sheriffs, &c.*  
 whose office is not of a permanent character, generally  
 appoint some friend for their *Chaplain*, whose sole  
 duty is, perhaps, to preach one Sermon during the  
 whole tenure of their office; as is the case with the  
*Sheriff's Chaplain*, who merely preaches before the  
 Judges at the opening of the Assizes: consequently,  
 no Episcopal *Licence* is required in these cases, and  
 no prescribed Forms and Rules necessary. This  
 honorary post is usually complimented by the  
 presentation of a suit of *Robes*.

8. *Union Workhouse Chaplain.*

The information connected with this subject is not  
 only a matter of great importance to the *Chaplain of a*  
*Union* himself, but is likewise of some moment to the



Incumbents of the several Parishes with which such Unions are connected; inasmuch as it involves, generally speaking, the transfer of the spiritual teaching of the pauper Poor, with whom they may have been long and closely connected, into other hands at a period of life often the most influential on their preparation for eternity. By the new 'Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales' (4 & 5 Will. IV. c. 76.), the *Poor Law Commissioners* are empowered to make Rules and Regulations for the Government of Workhouses, and to direct the Overseers or Guardians of any Parish or Union to appoint certain paid '*Officers*,' under which denomination a '*CHAPLAIN*' is included (by *Section 109.*). From the arguments in the case of *Reg. v. The Guardians of Braintree Union\**, where the Guardians disputed the right of the Commissioners to enforce the appointment of a *CHAPLAIN*, it appears that the latter were invested by the Act with this authority, and that the Statute contemplates that the inmates of Union Workhouses of whatever religious persuasion they may be, should have instruction conformable to that persuasion. The Commissioners, guided by the inference to be deduced from the concluding portion of the 19th *Section* of the Act, prefer and recommend a *Clergyman of the Church England*; and all their Orders and Instructions bearing on this subject are framed on the supposition that their recommendation will be adopted. It seems however that it is not peremptory upon the Guardians to appoint a *Clergyman of the Established Church* to be the *CHAPLAIN*; (see under '*Churchmen*' below); but they may, if they think fit, elect a *Roman Catholic Priest*, or a *Dissenting Minister* to that office: yet, as justice Coleridge remarked in the Braintree Union case referred to above, 'this is not to be taken for granted.' Lord Denman, at the conclusion of his

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\* 1. Q. B. 130; 5 Jurist. 265; 10 L. J. Rep. (n. s.) M. C. 76; S. C. T. A. & E. (n. s.) 130; *Burn's Eccl. L. Phil.* i. 308, e.

judgment in the same case, declares ‘.....Nor do we make any observation on the argument (of Sir F. Kelly) respecting the possibility of appointing Ministers of particular *Sects*, or *Persuasions*, because here the right of appointing any Clergyman is questioned.’

The *Authority* of the Commissioners is thus laid down by the Act:—

‘The said *Commissioners* shall, and are hereby authorized and required, from time to time as they shall see occasion, to *make* and *issue* all such *Rules*, *Orders*, and *Regulations* for the Management of the Poor, for the government of Workhouses, and the education of the Children therein.....as they shall think proper; and the said Commissioners may, at their discretion from time to time *suspend*, *alter*, or *rescind* such *Rules*, *Orders*, and *Regulations*.’—4 & 5 Will. IV. c. 76. s. 15.

*Appointment of Officers.*—‘It shall be lawful for the said *Commissioners*, as and when they shall see fit, by order under their hands and seals, to direct the Overseers or Guardians of any Parish or Union.....to appoint such paid *Officers*, with such qualifications as the said *Commissioners* shall think necessary for.....carrying the provisions of this Act into execution,.....and they are hereby empowered to define and specify and direct the execution of the *respective Duties* of such *Officers*, and the *places* or *limits* within which the same shall be performed, and direct the mode of the *appointment* and determine the *continuance* in office, or *dismissal* of such *Officers*,...and...to regulate the Amount of *Salaries* payable to such *Officers* respectively; and the time and mode of *payment* thereof;.....and such *Salaries* shall be chargeable upon and payable out of the Poor Rates of such Parish or Union...and shall be *recoverable* against the Overseers or Guardians.....by all such ways and means as the *Salaries* of Assistant Overseers or other paid *Officers* of any Parish or Union are recoverable by law.’—ih. Sect. 46.

*Chaplain* is included under the word ‘*Officer*.’—‘The word *Officer* shall be construed to extend to any *Clergyman*, Schoolmaster &c.....who shall be employed in any Parish or Union in carrying this Act or the Laws for the Relief of the Poor into execution.’—ih. Sect. 109.

*Dissenters* are allowed to follow their religious persuasion.—‘No *Rules*, *Orders*, or *Regulations* of the said *Commissioners*, nor any Bye-laws at present in force or to be hereafter made shall oblige any inmate of any Workhouse to attend any *religious Service* which may be celebrated in a mode *contrary to the religious principles* of such inmate, nor shall authorize the *Education* of any Child in such Workhouse in any *Religious Creed* other than that professed by the Parents or surviving Parent of such Child, and to which such Parents or Parent shall object, or, in the case of an *Orphan*, to which the

'Godfather or Godmother of such Orphan shall so object: Provided also, that it shall and may be lawful for any *Licensed Minister* of the religious persuasion of any inmate of such Workhouse, at all times in the day, on the request of such inmate, to visit such Workhouse for the purpose of affording *religious assistance* to such inmate, and also for the purpose of instructing *his Child* or *Children* in the principles of their religion.'—*ib. Sect. 19.*

### THE LICENCE.

In whatever Parish the *Union Workhouse* is situated the 'Cure of souls' of its inmates falls legally and canonically under the direction of the *Incumbent* of that Parish. If, therefore, neither the Incumbent nor his Curate be appointed to the Chaplaincy of the Union, any other Clergyman of the Church of England must obtain the Incumbent's consent before he can apply to the Bishop for a Licence, or attempt to officiate in such capacity (*a*):—and should even the Incumbent, or his Curate, be appointed CHAPLAIN, the Bishop's *Licence* is indispensably necessary before either of them can take upon himself the execution of the required duties (*b*).—It is to be remembered, that the place appropriated to the performance of Divine Service in the Workhouse is not usually, and need not be of necessity, a *consecrated* building (*c*):—and that the Duties discharged involve more than 'Reading Prayers, &c.' in a *Private House* or *Family*, which is allowed by the 71st Canon without Episcopal cognizance. But no one can '*perform Divine Service*' according to the Rites and Ceremonies of the Church of England in any Diocese without the *Licence* of the Bishop, nor in any unconsecrated building where there are more than 20 persons collected beside the family and servants without the Bishop's *consent*, and due *certification*, by 52 Geo. III. c. 155,\* (*d*):—consequently a *Licence* is imperatively required (*e*). These several questions (marked *a. b. c. d. e.*) were for some time disputed, and came ultimately before Dr. Addams of Doctor's Commons for his opinion. This Counsel decided in the substance of the above remarks.

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\* This Statute 52 Geo. iii. c. 155. has been amended by 18 and 19 Vict. c. 86. See "*Worship*" in INDEX.

Yet in some places the Incumbent's consent is not allowed to enter into the consideration; in others, a *Licence* is not required by the Bishop, but merely his *written consent*; although such a measure is contrary to CANON 36.

The Poor Law Commissioners in their *General Order* have directed with respect to the *Licence* :—

‘Art. 171. No person shall hold the Office of *Chaplain* under this Order *without the consent* of the Bishop of the *Diocese* to his appointment, signified in writing.’ (*Gen. Order*. p. 216.)

In a *Note* is added.—‘The *consent of the Bishop* will be obtained ‘by the Guardians, and forwarded by their Clerk to the ‘Commissioners.’—*Instr. Letter*. ‘Where the Workhouse is in a ‘*Peculiar*, the Bishop to whose *Diocese* the *Peculiar* belongs, and ‘not the ordinary of the *Peculiar*, will be the proper party to give ‘the consent.’—*ib.* ‘It will be seen that the consent to the ‘*Appointment* only is required; it is not necessary that the Bishop ‘should consent to the *Chaplain's continuance in Office*; though it is ‘not very likely that the Bishop would desire to withdraw his ‘consent in any case where the commissioners would think it right ‘to continue the *Chaplain* in Office.’—*W. G. Lumley*, Ass. Sec. to the P. L. Coms.

When the appointment is conferred on the *Incumbent*, or the *Curate* of the Parish in which the Union Workhouse is situated, merely the *Certificate of such Appointment*, usually transmitted by the Board of Guardians for the Bishop's sanction, and for the satisfaction of the Commissioners, will be required preparatory to procuring a *Licence*. I would state here, that it is better where there are two Clergymen in the Parish, that the *Curate* be appointed *Assistant Chaplain*, so as to remove the difficulty, which otherwise would arise, when sickness or some urgent necessity imposes on the Chaplain either occasional or temporary absence.—(See ART. 193. page 253.)

If a stranger, however, is elected to the *Chaplaincy* he will have to forward to the Bishop the usual ‘Papers’; viz. :—

1. CERTIFICATE of the *Appointment* (sent by the Guardians.)
2. CERTIFICATE of the *consent of the Incumbent*.
3. LETTERS OF ORDERS, *Deacon's* and *Priest's*.
4. LETTERS TESTIMONIAL from three *Beneficed Clergymen*.

These proving satisfactory, after the customary *Oaths* have been taken, and the usual *Subscription*, and *Declaration* made, a *Licence* will follow.

### DUTIES OF THE CHAPLAIN.

The DUTIES of the *Chaplain to the Union* have been prescribed in the following ARTICLES of the *General Order* issued by the Poor Law Commissioners\* :—

'ART. 211.—The following shall be the *Duties* of the Chaplain:—

'No. 1. To read *Prayers*, and preach a *Sermon* to the Paupers and other inmates of the Workhouse on every *Sunday*, and on *Good-Friday*, and *Christmas-day*, unless the Guardians, with the consent of the Commissioners, may otherwise direct.'

'No. 2. To *examine* the Children, and to *Catechize* such as belong to the Church of England, at least *once in every month*, and to make a *record* of the same, and state the dates of his *attendance*, the general progress, and condition of the Children, and the *moral* and *religious* state of the inmates generally, in a Book to be kept for that purpose, to be laid before the Guardians at their next ordinary Meeting, and to be termed "THE CHAPLAIN'S REPORT."

'No. 3. To *visit* the *Sick*, and to administer religious consolation to them in the Workhouse at such periods as the Guardians may appoint, and when applied to for that purpose by the Master or Matron.—*Gen. Order*, p. 260.

\* It must be observed here that the practice of curtailing the Church Services, so commonly done is not only highly reprehensible, but *illegal*; and the Chaplain so offending is liable to a prosecution in the Ecclesiastical Courts.

### COMMISSIONERS' INSTRUCTIONS.

(*Extracted from the General Order of the P. L. Commissioners.*)

*Appointment of Officers.*—'ART. 153. The Guardians, shall, whenever it may be requisite, or whenever a *vacancy* may occur,

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\* For further information the Reader should consult '*The General Order of the Poor Law Commissioners, now in Force.*' By W. G. Lumley, Esq., (*Assistant Secretary to the Poor Law Commissioners.*) Published by C. Knight, London. Price 7s. *The Union and Parish Officers' Almanac and Guide* for 1857, by the same Publisher. And *Steer's Parish Law*, by G. Clive, Esq., (*Late Assistant Poor Law Commissioner.*) Published by Saunders and Benning, London, Price 24s.

'appoint fit persons to hold the undermentioned offices, and to perform the duties respectively assigned to them; namely,—

3. *Chaplain.*  
&c. &c. &c.
8. Schoolmaster.
9. Schoolmistress.  
&c. &c. &c.

'ART. 104.—Every Officer, and Assistant, to be appointed in this Order, shall be appointed by a majority of the Guardians present at a Meeting of the Board, consisting of more than three Guardians, or by three Guardians if no more be present. Every such Appointment shall, as soon as the same has been made, be reported to the Commissioners by the Clerk.'

*Apprentices.*—ART. 70.—And we do hereby prescribe the Duties of the Master to whom such poor Child may be apprenticed, and the terms and conditions to be inserted in the said Indenture to be as follows:—

'No. 6. He shall, once at least on every Sunday, cause the Child to attend some Place of Divine Worship, if there be any such within a reasonable distance, according to the religious persuasion in which the Child has been brought up, so, however, that no child shall be required by the Master to attend any Place of Worship to which his Parents or surviving Parent may object, nor, when he shall be above the age of 16, any Place to which he may himself object.'

'No. 7. Where such Parents or Parent or next of Kin desire it, he shall allow the said Child to attend any Sunday or other School which shall be situated within the same Parish, or within two miles distance from his residence, on every Sunday; and, if there be no such School which such Child can attend, he shall, at some reasonable hour on every Sunday, allow any Minister of the religious persuasion of the Child to have access to such Child for the purpose of imparting religious instruction.'

*Baptism.*—Children ought in general to be Baptized at Church; and they ought to be Baptized in the Workhouse only under circumstances which would justify the administration of Baptism in a private house. Of this necessity the Chaplain must judge.  
*Instr. Letter.*

\* \* Using habitually and systematically the Office of Private Baptism in every case of Children born in the Union is not justified by the Rubric, nor sanctioned by Ecclesiastical Law.

'The Chaplain who Baptizes any Child in the Workhouse, must transmit to the Rector, Vicar, or Curate of the Parish, a Certificate of the Baptism (See 52 Geo. III. c. 146. s. 4). But he is not required to send copies of any Registers to the Registrar of the Diocese.'—4 Off. Cir. 84.

'A Pauper may be permitted to quit the Workhouse to attend the Baptism of a Child at the Parish Church.'—*Instr. Letter.*

*Children.*—'The Religious Instruction of the Children, being Members of the Established Church, is to be under the direction of the Chaplain, who may be assisted by the Schoolmaster, and Schoolmistress.'—5 Off. Cir. 123.

'ART. 114.—The Boys and Girls who are inmates of the Workhouse shall, for three of the Working Hours at least, every day, be instructed in Reading, Writing, Arithmetic, and the

'*Principles of the Christian Religion*; and such other instruction shall be imparted to them as may fit them for *service*, and train them to habits of usefulness, industry, and virtue.'

'ART. 210.—The Matron is (No. 7.) To pay particular attention to the *moral conduct*, and orderly behaviour of the females and Children, and to see that they are clean and decent in their Dress and Persons.'

'ART. 212.—The following shall be the *Duties of the School-master and Schoolmistress* for the Workhouse, or either of them:—

'No. 1. To *instruct* the Boys and Girls according to the directions in Article 114.' (above).

'No. 2. To regulate the Discipline and Arrangements of the School, and the industrial and moral training of the Children, subject to the direction of the Guardians.'

*Burial, see postea.*

*Confirmation.*—'The Commissioners think that the *Chaplain* should give *Certificates for Confirmation*, though the Incumbent may do so, if he see fit.'—5. *Off. Cir.* 123.

*Churching of Women.*—'The *Churching of Women* should take place in the Parish Church.'—*Instr. Letter.*

*Churchmen.*—'ART. 125.—The Guardians may authorize any Inmates of the Workhouse, being *Members of the Established Church*, to attend Public Worship at a Parish Church or Chapel, on every *Sunday, Good-Friday, and Christmas-Day*, under the control and inspection of the Master or Porter, or other Officer.'—'Any Pauper permitted to quit the Workhouse and not returning after the appointed time, or *misbehaving* in going to, at, or returning from *Public Worship* may be punished as disorderly.'—*Instr. Letter.*

'It appears to the Commissioners that the 19th *Section* of the Poor Law Amendment Act does not contemplate the attendance of *Members of the Established Church* at the Divine Service performed by a *Dissenting Minister* in a workhouse. If any *Adult Members* of the Established Church should desire to attend the Service of a *Dissenting Minister*, the Commissioners would not interfere to prevent their attendance, provided that no improper influence was used to induce them to attend, although they consider it objectionable; but the Commissioners think that *Children* being *Members* of the Established Church, should never be permitted to attend on such occasions, and they would, in case of necessity, *prohibit* any such practice by an *Order*.'—*Instr. Letter.*

*Dissenters.*—'ART. 126.—The Guardians may also authorize any Inmates of the Workhouse, being *Dissenters* from the Established Church, to attend Public Worship at any *Dissenting-chapel* in the neighbourhood of the Workhouse, on every *Sunday, Good-Friday, and Christmas-Day*.'—'It will be the Duty of the Guardians to make such regulations as will prevent any abuse of the permission by *Dissenters*, who are inmates of the Workhouse; such as inducing the *Ministers* of the different Congregations to *certify* the attendance of the Inmates professing to frequent their chapels, and to state the times of the commencement and end of the service.'—*Instr. Letter.* 'A similar remark as to leaving the Workhouse on Sundays, applies also to *Protestant Dissenters*, where they are visited in the Workhouse by Ministers

'of their own persuasion. There is however greater difficulty in the case of *Roman Catholics*; inasmuch as *Mass* cannot be solemnized in a Workhouse, unless it should contain an *Altar* consecrated for the purpose.'—*Instr. Letter.*

*Dissenting Minister.*—'ART. 122.—Any *licensed Minister* of the religious persuasion of an inmate of the Workhouse, who may at any time in the day, on the request of any inmate, enter the Workhouse for the purpose of affording religious assistance to him, or for the purpose of instructing his child or children in the principles of his religion, shall give such assistance or instruction, so as not to interfere with the good order and discipline of the other inmates of the Workhouse. And such religious assistance or instruction shall be strictly confined to inmates who are of the religious persuasion of such Minister, and to the children of such inmates. Except in the cases in which the Guardians may lawfully permit religious assistance and instruction to be given to any Paupers who are Protestant Dissenters, by *licensed Ministers* who are Protestant Dissenters.—See also 4 & 5 Will. IV. c. 76. s. 19. (in page 246). 'By a "*Licensed Minister*," of a Protestant Dissenting Sect, the Commissioners understand a *Minister* who is recognized in his ministerial character by the members of such sect, and who has complied with all the requisitions of the Law, and is therefore subject to no penalty in respect of the public exercise of his ministerial functions.'—*Instr. Letter.*

*Divine Service.*—'ART. 124.—*Prayers* shall be read before Breakfast and after Supper every day, and *Divine Service* shall be performed every *Sunday*, *Good-Friday*, and *Christmas-Day*, in the Workhouse (unless the Guardians, with the consent of the Commissioners, otherwise direct), and at such *Prayers* and *Divine Service* all the Paupers shall attend, except the *sick*, persons of *unsound mind*, the *young children*, and such as are *too infirm* to do so; provided that those Paupers who may object so to attend, on account of their professing religious principles differing from those of the *Established Church*, shall also be exempt from such attendance.'—'Where the Guardians have appointed a CHAPLAIN, it is in general desirable that *Divine Service* should be performed on *Sunday* in the Workhouse by the CHAPLAIN, and that the Inmates who are Members of the *Established Church* should not go out to attend *Divine Service*.'—*Instr. Letter.* (See "DUTIES OF CHAPLAIN.")

*Government.*—'ART. 152.—We (the Commissioners) do declare, that, subject to the rules and regulations herein contained, the guidance, government, and control of every Workhouse, and of the Officers, servants, assistants, and Paupers, within such Workhouse, shall be exercised by the *Guardians* of the Union.'

*Lord's Supper.*—'The *Sacrament of the Lord's Supper* should not be administered in the Workhouse, except to the *sick* and *disabled* inmates, but to them it should be administered as often as the CHAPLAIN may deem requisite; any of the other inmates whom he may judge fit to *communicate* with them should be permitted to do so.'—*Instr. Letter.* 'But this latter case can only be allowed where there is a *Chapel* in the Workhouse, and the *Bishop* of the Diocese has consented to the celebration of the Communion therein.'—3 *Off. Cir.* 31.



*Misbehaviour* of a Pauper. — 'ART. 127. — Any Pauper, being an inmate of the Workhouse, who shall use *obscene* or *profane* language; or shall misbehave in going to, at, or returning from *Public Worship* out of the Workhouse, or at *Divine Service*, or *Prayers* in the Workhouse; shall be deemed 'DISORDERLY.' — The Punishment by ART. 129 is an *alteration of Diet*.

'ART. 128. — Any Pauper being an inmate of the Workhouse, who shall, within *seven days*, repeat any one, or commit more than one, of the offences specified in ART. 127; or who shall *not* or *write indecently* or *obscenely*; or shall wilfully disturb other persons at *Public Worship* out of the Workhouse, or at *Divine Service* or *Prayers* in the Workhouse; shall be deemed 'Refractory.' The Punishment by ART. 130 is *solitary confinement*, with or without an *alteration of Diet*.

Office. — 'ART. 187. — Every Officer appointed to or holding any Office under this Order, other than a Medical Officer, shall continue to hold the same until he *die*, or *resign*, or *be removed* by the Commissioners, or be proved to be *insane*, to the satisfaction of the Commissioners.' (See 4 & 5 Will. IV. c. 76. ss. 46, 48.) This Article is to shew that the Officers should hold office *during their good behaviour*; inasmuch as the Commissioners cannot remove except for unfitness or neglect of their orders, which implies bad behaviour. — W. G. L.

*Prayers*. — 'ART. 208. — The following shall be the Duties of the Master :

'No. 4. To read *Prayers* to the Paupers before Breakfast, and after Supper every day, or cause *Prayers* to be read, according to ARTICLE 124. (See page 252.)

'No. 9. To say, or cause to be said, *Grace* before and after meals.

'The Master, and the other Officers of the Workhouse ought, as far as possible, to attend *Morning and Evening Prayers* in the Workhouse.' — *Instr. Letter*.

*Salaries*. — 'ART. 172. — The Guardians shall pay to the several Officers and Assistants appointed to or holding any office or employment under this Order, such *Salaries* or *remuneration* as the Commissioners may from time to time direct or approve. Provided that the Guardians, with the approval of the Commissioners, may pay to any Officer or person, employed by such Guardians, a reasonable compensation on account of *extraordinary services*, or other unforeseen circumstances connected with the Duties of such Officer or person, or the necessities of the Union.' — 'This proviso will enable Guardians to provide for the cases of *sickness* or *accidents happening to Officers* in the discharge of their duties.' — W. G. L.

'ART. 173. The *Salary* of every officer, or Assistant, appointed to or holding any office or employment under this Order, shall be payable up to the day on which he ceases to hold such office or employment, and no longer.'

*Sickness* of a Pauper. — By ART. 208; 'No. 14. It is one of the duties of the Master in the case of Dangerous Sickness to send for the CHAPLAIN, and any relative or friend of the Pauper, resident within a reasonable distance, whom the Pauper may desire to see.'

*Substitute.*—‘ART. 193.—If any Officer, or Assistant, appointed to ‘or holding any office or employment under this Order, be at ‘any time *prevented by sickness, or accident, or other sufficient reason*, from the performance of his duties, the Guardians may ‘appoint a fit person to act as his *temporary substitute*, and may ‘pay him a reasonable compensation for his services; and every ‘such appointment shall be reported to the Commissioners as soon ‘as the same shall have been made.’

‘If the CHAPLAIN should be unable to attend at the Workhouse, it will be his duty to provide a proper *substitute* at his ‘own expence, and with the approbation of the Guardians. And ‘it will be understood, that if the CHAPLAIN keep a *Curate*, he ‘will not be entitled to perform his duties in the Workhouse by ‘his *Curate*, without the consent of the Guardians. But by the ‘terms of the present ARTICLE, the Guardians are to appoint ‘the *substitute*. The Guardians can grant *temporary leave of absence* to any Officer.’—*Instr. Letter*. ‘When the Guardians ‘find a *substitute* they will probably think it right to require the ‘Officer, for whom they appoint the substitute, to agree to *pay* the ‘compensation, or to remit a portion of his Salary for the time ‘when he cannot serve in person.’—W. G. L.

‘ART. 198.—In every case not otherwise provided for by this ‘Order, every Officer shall perform his Duties *in person*, and ‘shall not intrust the same to a *Deputy*, except with the especial ‘permission of the Commissioners on the application of the ‘Guardians.’

*Visiting Committee.*—‘ART. 148.—The Guardians shall appoint one ‘or more *Visiting Committees* from their own body; and each of ‘such Committees shall carefully *examine* the Workhouse or ‘Workhouses of the Union, *once in every week* at the least, *inspect* ‘the last *REPORTS* of the *Chaplain*, and Medical Officer; *examine* ‘the stores; afford, as far as is practicable, to the inmates an ‘opportunity of making any complaints, and *investigate* any ‘complaints that may be made to them.’

‘ART. 149.—The *Visiting Committee* shall from time to time ‘write such *Answers* as the facts may warrant to the following ‘*Queries*, which are to be *printed in a Book*, entitled the VISITOR’S ‘Book, to be provided by the Guardians, and kept in every ‘Workhouse for that purpose, and to be submitted regularly to ‘the Guardians at their ordinary Meetings:—

‘Q. 5. Are the Boys and Girls in the *School* properly *instructed* as required by the regulations of the Commissioners, ‘(see *page 250.*) and is their industrial training properly attended ‘to?’

‘Q. 9. Is *Divine Service* regularly performed?—Are *Prayers* ‘regularly read?’

‘The Commissioners have stated that the *Porter* should enter (in a ‘Book provided for the purpose) the *ingress* and *egress* of the ‘following persons:—The *Guardians*, &c. *Chaplain*, and other ‘Officers, and their Visitors, &c.—3 *Off. Cir.* 32. 96.

*Working on Sundays, &c.*—‘ART. 123.—No work, except the ‘necessary Household work and cooking, shall be performed by ‘the Paupers on *Sunday, Good-Friday, and Christmas-day.*

## BURIAL OF PAUPERS.

This is regulated by 7 & 8 *Vict. c.* 101. which,—after authorizing the Guardians to direct that the body of a deceased Pauper (unless the *next of kin* otherwise desire) shall be *buried*, either in the Church-yard or Burial-ground of the Parish to which such Pauper may have been chargeable, or of the Parish in which the person may have died; and at the *expence* of the Parish to which the deceased belonged,—enacts, that ‘in all cases of Burial under the  
‘direction of the Guardians &c., the *fee* or *fees* payable by the  
‘custom of the place in which the Burial may take place or.....  
‘of any Act of Parliament, shall be paid out of the Poor Rates,...  
‘to the person or persons who by such custom or under such Act  
‘may be entitled to receive any *fee*: provided always, that it  
‘shall not be lawful for any *Officer* connected with the Relief  
‘of the Poor to *receive any money* for the Burial of the body of  
‘any poor person which may be within the Parish or Place in  
‘which the death may have occurred, or to act as *Undertaker* for  
‘personal gain or reward in the Burial of any such body, or to  
‘*receive any money* from any.....person or persons to whom any  
‘such body may be delivered, or to derive any personal emolu-  
‘ment whatever for or in respect of the Burial.....of any such  
‘body: any such *Officer offending* shall...pay a sum not exceeding  
‘£5.’—*Sect. 31.*

## Clerk in Orders.

UNDER the denomination of '*Clerk in Orders*' is understood in Ecclesiastical Law, a Spiritual Person in Holy Orders, either a Deacon or Priest of the Church of England, invested with the Office of *Church* or *Parish-Clerk*, and entitled to the Fees and emoluments with which the Office is endowed. In large and wealthy Parishes the Appointment is frequently conferred on a *Stipendiary Curate* to give sufficiency to his income: the Duties, however, in such a case are not performed by him in person, but by his servant or *Deputy*, who receives for the discharge of the functions appertaining to the Office, although an adequate, yet a more limited Salary than would be derived from the possession of the entire Fees, &c. The secondary person thus employed is usually designated a *Lay-Clerk*; and in some places the *Amen-Clerk*. There are many advantages arising from the appointment of *Deputy Parish-Clerks*, among which may be mentioned especially, that these functionaries require no *Licence* from the Ordinary to qualify them for officiating (as decided in *Peake v. Barne*; 2 Lee. 587.); and are not only under more direct control, but are removable at pleasure. The Enactments affecting a *Clerk in Orders* are embodied in the Act, 7 & 8 Vict. c. 59, which bears also upon the Office of *Lecturers*: thus,—

*Appointment*.—'When...any vacancy shall occur in the office of *Church-Clerk*, *Chapel-Clerk*, or *Parish-Clerk*, in any District, Parish, or Place, it shall be lawful for the Rector, or other Incumbent, or other the person or persons entitled for the time being to appoint or elect such *Church-Clerk*, *Chapel-Clerk*, or *Parish-Clerk* as aforesaid, if he shall think fit, to appoint

'or elect a person in the Holy Orders of *Deacon* or *Priest* of the United Church of England and Ireland to fill the said Office of *Church-Clerk*, *Chapel-Clerk*, or *Parish-Clerk*; and such person so appointed or elected, as aforesaid, shall, *when duly licensed* as hereinafter provided, be entitled to have and receive all the *profits* and *emoluments* of and belonging to the said Office, and shall also be liable in respect thereof, so long as he shall hold the same, to perform all such *Spiritual* and *Ecclesiastical duties* within such District, Parish, or Place, as the said Rector, or other Incumbent, with the sanction of the Bishop of the Diocese, may from time to time require.'—*Sect. 2.*

*Divested of any Freehold, or permanent character.*—

'Such Person in Holy Orders so appointed or elected as aforesaid shall not by reason of such Appointment or election have or acquire any freehold or absolute right to or interest in the said Office of *Church-Clerk*, *Chapel-Clerk* or *Parish-Clerk*, or to or in any of the Profits or Emoluments thereof, but every such Person in Holy Orders so appointed or elected as aforesaid shall at all times be liable to be suspended or removed from the said Office, in the same manner and by the same authority and for such or the like causes, as those whereby any *Stipendiary Curate* may be lawfully suspended or removed; such *Suspension* or *Removal* nevertheless being subject to the same power of appeal to the *Archbishop* of the province to which any *Stipendiary Curate* is or may be entitled.'—*ib.* (See under *Notice to Quit*, p. 147.).

*Incumbent's Consent necessary.*—

'Every such Appointment or election as last aforesaid, if made by any other person or persons than the Rector or other Incumbent of such District, Parish, or Place, shall be subject to the consent and approval of such Rector, or other Incumbent, of such District, Parish, or Place.'—*ib. Sect. 3.*

*Licence necessary.*—

'No person in Holy Orders so appointed or elected as aforesaid shall be competent to perform any of the Duties of his said Office, or any other *Spiritual* or *Ecclesiastical Duties* within such District, Parish, or Place, or to receive or take any of the Profits, or Emoluments of his said Office, unless and until he shall have duly obtained from the Bishop of the Diocese within which such District, Parish, or Place is situate such *Licence* and authority in that behalf as are required and usual in respect of *Stipendiary Curates*; but, nevertheless, such *Licence* and authority, when so obtained.....will entitle the person so obtaining it to hold the said Office, and to receive and take the Profits and Emoluments thereof,.....until he shall have resigned the same, or have been so suspended or removed,.....without any annual or other re-appointment or re-election thereto.'—*ib.*

This appointment, or amalgamation of the Duties of a *Curate* and *Parish-Clerk* into one Office, as in the case of *Leeturers* (see *supra*), will not release an Incumbent from providing the usual Curate.—

*Not released from providing the usual Curate.—*

‘No Rector, or other Incumbent of any District, Parish, or Place... where in any person in Holy Orders may have been appointed or elected to fill the Office of *Church-Clerk*, *Chapel-Clerk*, or *Parish-Clerk*, is by reason of any such provisions to be exempt from any duty or obligation of employing within the same District, Parish, or Place, any *Curate* or other *Assistant* to which by any law, statute, canon, or usage he is or may be already liable; but the Bishop of the Diocese from time to time may require every such Rector or other Incumbent to provide, or for the Bishop to *nominate* and *License* such other *Curates* and *Assistants* to officiate within every such District, Parish, or Place, *in addition...* to such *Church-Clerk*, *Chapel-Clerk*, or *Parish-Clerk*, and to make regulations for the payment of the Stipends of such other *Curates* and *Assistants*, as fully in the same manner, and subject to the same restrictions, as he might have done by Law if the Act had not been passed.’—*ib. Sect. 4.*

## Reader.

THE Office of a READERSHIP comprises merely the reading of the *Divine Services* of the Church of England, either by way of assistance to the Incumbent of a Parish, or to provide *Public Worship* in Hospitals, Infirmarys, and institutions of a similar character, where the inmates are temporarily prevented from attending the Parish Church. It involves no *Preaching*, nor *Parochial Duty*: yet a READER must necessarily be in Holy Orders, either Deacon or Priest, and have the *Licence* of the Bishop before he can discharge the functions of his Appointment. The ‘Papers’ usually required on accepting a *Lectureship*, or a *Stipendiary Curacy*, will be demanded also in the case of a READERSHIP; and the same *Oaths* have to be taken, and *Subscription*, and *Declaration* made, as in those appointments, before a *Licence* can be granted. The Papers to be provided are,

1. A CERTIFICATE of the *Appointment*.
2. LETTERS OF ORDERS, *Deacon's* and *Priest's*.
3. LETTERS TESTIMONIAL from three *Beneficed Clergymen*.

With the permission of the Diocesan, a READERSHIP may be held contemporaneously with a *Lectureship*,

or with a *Curacy*, provided, in the latter case, the consent of the Incumbent, as well as the sanction of the Bishop, have been first obtained.

DR. BURN says:—‘The office of *Reader* is one of the five ‘inferior orders in the Romish Church. And in this kingdom, in ‘Churches or Chapels where there is only a very small endowment, ‘and no Clergyman will take upon him the charge or cure thereof; ‘it hath been usual to admit *Readers*, to the end that Divine ‘Service in such places might not altogether be neglected.....By ‘the foundation of divers Hospitals, there are to be *Readers* of ‘*Prayers* there, who are usually licensed by the Bishop.’—BURN’S *Eccl. Law*. Phil. iii. 452.

A *Readership* however, is not considered in the light of Ecclesiastical Preferment.

‘The Rector of St. Ann’s, by certificate to the Bishop, ‘appointed MARTYN, Curate of his Parish, with a salary of ‘fifty guineas, until he should be otherwise provided of some ‘*Ecclesiastical preferment*. MARTYN was afterwards appointed ‘to the *Readership* of the Parish, for which he had £30. by ‘order and at the will of the Vestry. It was the opinion ‘of Lord Mansfield and the Court of King’s Bench, that this ‘*Readership* was not an Ecclesiastical preferment within the ‘meaning of the Certificate. By the 13 & 14 Car. 2. c. 4. s. 8.

‘*Readers in the Universities* are required to sign ‘the Declaration contained in Sect. 9, which is still in force so far ‘as respects the Liturgy.’—BURN’S *Ecclesiastical Law*. Phil. iii. 452.

From BINGHAM we learn, that READERS were first appointed in the Church about the third century. In the Greek Church they were said to have been ordained by the imposition of hands: but whether this was the practice of all the Greek Churches hath been much questioned. In the Latin Church it was certainly otherwise. The council of Carthage speaks of no other Ceremony, but the Bishop’s putting the Bible into his hands in the presence of the people, with these words, Take this Book, and be thou a reader of the word of God, which office if thou shalt faithfully and profitably perform, thou shalt have part with those that minister in the word of God.” And in Cyprian’s time, they seem not to have had so much of the ceremony as delivering the Bible to them, but were made readers by the Bishop’s commission and deputation only, to such a station in the Church.—*Antiquities of Christian Church*. Bk. iii. c. 5.

To this we may add that at the time of the Reformation they were required to subscribe to the following injunctions:—

“*Imprinis*, I shall not preach or interpret, but only read that ‘which is appointed by public authority:

"I shall not minister the Sacraments or other public rites of the Church, but bury the dead, and purify women after their Child-birth:

"I shall keep the register book according to the injunctions:

"I shall use sobriety in apparel, and especially in the Church at Common prayer:

"I shall move men to quiet and concord, and not give them cause of offence:

"I shall bring in to my ordinary testimony of my behaviour, from the honest of the parish where I dwell, within one half year next following:

"I shall give place upon convenient warning so thought by the ordinary, if any learned Minister shall be placed there at the suit of the patron of the Parish:

"I shall claim no more of the fruits sequestered of such cure where I shall serve, but as it shall be thought meet to the wisdom of the ordinary:

"I shall daily at the least read one chapter of the Old Testament, and one other of the New, with good advisement, to the increase of my knowledge:

"I shall not appoint in my room, by reason of my absence or sickness, any other man; but shall leave it to the suit of the Parish to the ordinary, for assigning some other able man:

"I shall not read but in poorer parishes destitute of incumbents except in the time of sickness, or for other good considerations to be allowed by the ordinary:

"I shall not openly intermeddle with any artificer's occupations, as covetously to seek a gain thereby; having in ecclesiastical living the sum of twenty nobles or above by the year:"

"This was resolved to be put to all READERS and Deacons by the respective Bishops, and is signed by both the Archbishops, together with the Bishops of London, Winchester, Ely, Sarum, Carlisle, Chester, Exeter, Bath and Wells, and Gloucester."—*STRYPE's Annals*. Vol. 1. p. 306.



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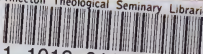
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